

AMENDED IN SENATE APRIL 17, 2012

SENATE BILL

No. 1078

Introduced by Senator Evans

February 14, 2012

An act to add ~~Section 6216.8 to, and to add and repeal Section Sections 5080.46 of, and 5080.47 to~~ the Public Resources Code, relating to state lands *parks, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as amended, Evans. ~~State lands: delinquent rent program: parks: state park revenue generation program. and insurance risk pool.~~

Existing law vests the Department of Parks and Recreation with control over the state park system. Existing law creates the State Parks and Recreation Fund into which are deposited revenues received by the department, which are available for expenditure for state park purposes upon appropriation by the Legislature.

This bill would require the department, by July 1, 2013, to establish within the department an innovation team with specified responsibilities related to the generation of revenue for the department. The bill would authorize a district superintendent or park manager to establish an innovation working group for the district or unit of the state park system. The bill would require the innovation working group to develop a business plan for a 5-year period outlining ways that the specific park district or unit of the state park system can become more self-sustainable, increase visitation, and generate new revenues. The bill would require the innovation team to, among other things, assist the innovation working groups in developing business plans for their particular park district or unit of the state park system and to review the business plans. The bill would require the business plans to be

submitted to the Director of Parks and Recreation for approval. The bill would require the director to review each business plan for compliance with the corresponding park's general plan. The bill would require 70% of revenue generated by an approved business plan for the particular park district unit of the state park system to be deposited into the Park Innovation Account, which would be established in the State Parks and Recreation Fund. The bill would authorize the Controller to establish appropriate subaccounts in the account for each park district and unit of the state park system. The bill would continuously appropriate to the department moneys in the account and subaccounts for the support of the district or unit that generated the revenue, thereby making an appropriation. The bill would require the remaining 30% to be deposited into the State Parks and Recreation Fund.

This bill would also require the department to provide technical assistance to nonprofit organizations, which have or are developing operating agreements to manage a state park unit, to establish or join an insurance risk pool.

~~Existing law requires the State Lands Commission in the Natural Resources Agency to take various actions with regard to the administration and control of, including the management and lease of, state lands:~~

~~This bill would require the commission, no later than April 30, 2013, to develop and implement a plan to collect delinquent rents and renegotiate expired and undervalued leases for state land and properties under the commission's control. The bill would provide for the loan of \$1,000,000 from the General Fund to be made available to the commission, upon appropriation by the Legislature, to develop and implement the plan, including the hiring of necessary new staff.~~

~~The bill would require that any revenues received by the commission from the collection of delinquent rents and the renegotiation of expired and undervalued leases for state lands be deposited into the Delinquent Rent Collection Program Account in the General Fund, which the bill would create. The bill would require that all revenues received by the commission from the collection of delinquent rents and the renegotiation of expired and undervalued leases for state lands and property be made available, upon appropriation by the Legislature, to repay the above-described loan to the commission to develop and implement the plan, and for allocation to the Department of Parks and Recreation, in specified amounts, for specified purposes relating to the study and~~

implementation of park revenue increase studies and revenue generating programs, as prescribed.

~~The bill would require the department, until January 1, 2016, to develop and implement a pilot program intended to increase existing revenues and develop new sources of income at individual units of the state park system, as prescribed. The bill would require the department, not later than December 31, 2015, to report to the Legislature on the effectiveness of the pilot program required to be developed and implemented pursuant to those provisions.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known and may be cited as the*
2 *California State Parks Sustainability Through Innovation Act.*

3 *SEC. 2. (a) The Legislature finds and declares both of the*
4 *following:*

5 *(1) The state park system should become more self-sufficient*
6 *and financially sustainable without losing sight of its mission to*
7 *protect its valuable resources and provide maximum access to*
8 *residents and visitors.*

9 *(2) The Department of Parks and Recreation should value the*
10 *experience, commitment, and initiative of its employees and allies*
11 *throughout the state while providing training needed to meet new*
12 *professional goals.*

13 *(b) It is the intent of the Legislature to do both of the following:*

14 *(1) Create innovation working groups within park districts or*
15 *units of the state park system with the responsibility for creating*
16 *business plans for those park districts or units of the state park*
17 *system to make those districts or units more self-sufficient, increase*
18 *visitation, and generate new revenues.*

19 *(2) Create, in the Department of Parks and Recreation, an*
20 *innovation team that would be responsible for evaluating new*
21 *revenue generation programs, both systemwide and for specific*
22 *units of the state park system, and assisting the innovation working*
23 *groups in the development of business plans.*

24 *SEC. 3. Section 5080.46 is added to the Public Resources Code,*
25 *to read:*

1 5080.46. (a) (1) By July 1, 2013, the department shall
2 establish an innovation team within the department. The innovation
3 team shall consist of not more than 10 members, selected from
4 current employees, and shall do all of the following:

5 (A) Study and implement ways to increase and generate new
6 park revenues.

7 (B) Assist a park district or unit of the state park system in
8 establishing an innovation working group and developing a
9 business plan for that district or unit.

10 (2) The innovation team shall meet at least once a month.

11 (3) The innovation team, in evaluating revenue generation ideas,
12 shall consider all of the following:

13 (A) The feasibility of establishing a regional park pass that can
14 be used in specific regions of the state and has a lower cost than
15 the annual state park pass.

16 (B) Participating in cooperative ventures with county park
17 departments to establish a regional park pass that allows a person
18 to access state and local parks in specific regions of the state.

19 (C) The feasibility of issuing a state park pass that provides
20 extra value, such as coupons for recreational goods and services.

21 (D) The creation of a voluntary contribution checkoff option on
22 state tax return forms allowing a person to purchase a state park
23 pass.

24 (E) The implementation of a plan to initiate concessionaire
25 contracts that will increase state revenues.

26 (F) The feasibility of contractual agreements with public and
27 private transportation agencies to allow for the use of existing toll
28 passes, such as FasTrak, at entrance facilities at a unit of the state
29 park system.

30 (G) The use of credit cards at automated and manned entrance
31 kiosks.

32 (H) The sale of state park passes at commercial retail
33 establishments with special promotions.

34 (I) The removal of barriers to allow for, with proper safeguards,
35 the use of historical buildings for revenue-generating events, such
36 as theater, concerts, public meetings, and conventions, that do not
37 change the historical character of the building or lend its name
38 to a commercial enterprise.

1 (4) (A) *The innovation team may recommend to the director*
2 *the dissolution of an innovation working group for a specific unit*
3 *of the state park system or park district.*

4 (B) *The innovation team shall assist the innovation working*
5 *groups in developing a business plan for their particular park*
6 *district or unit of the state park system.*

7 (5) (A) *The innovation team shall review the business plan*
8 *developed by an innovation working group and make*
9 *recommendations to the director on the business plan.*

10 (B) (i) *The director shall review the business plan for*
11 *compliance with the park's general plan.*

12 (ii) *If the director determines that the business plan is not in*
13 *compliance with the park's general plan, the director shall amend,*
14 *as appropriate, the park's general plan to accommodate the*
15 *implementation of the business plan.*

16 (C) *If the director approves a business plan, the director may*
17 *authorize the appropriate district superintendent or park manager*
18 *to implement the business plan.*

19 (D) *The innovation team shall review and submit to the director*
20 *the annual progress report submitted by the innovation working*
21 *group on the implementation of the business plan.*

22 (b) (1) *A district superintendent or park manager may establish*
23 *an innovation working group with his or her district or unit of the*
24 *state park system for the purposes of developing a business plan*
25 *for the district or unit.*

26 (2) *The district superintendent or park manager shall establish*
27 *a community advisory board of not more than six members and*
28 *six alternates consisting of residents living near the park district*
29 *or near the unit of the state park system for the purposes of*
30 *providing community input in the development of the business*
31 *plan.*

32 (3) *The innovation working group of a particular park district*
33 *or unit of the state park system shall do all of the following:*

34 (A) *Develop a business plan for a five-year period outlining*
35 *ways that the unit or district can become more self-sustainable,*
36 *increase visitation, and generate new revenues.*

37 (B) *Consult with the district superintendent or park manager*
38 *on the implementation of the business plan or projects generating*
39 *new revenue for the district or unit of the state park system.*

1 (C) *Submit to the innovation team an annual progress report*
2 *on the implementation of an approved business plan.*

3 (D) *Make recommendations to the district superintendent or*
4 *park manager on the use of moneys appropriated pursuant to*
5 *subparagraph (A) of paragraph (1) of subdivision (c).*

6 (E) *Meet at least quarterly with a community advisory board*
7 *and hold at least one community public meeting per year.*

8 (c) (1) *Revenues generated by the business plan developed by*
9 *an innovation working group for a particular unit of the state park*
10 *system or park district shall be allocated as follows:*

11 (A) *Seventy percent shall be deposited into the Park Innovation*
12 *Account, which is hereby established within State Parks and*
13 *Recreation Fund. The Controller may establish appropriate*
14 *subaccounts within the account for each park district or unit of*
15 *the state park system with an approved business plan and deposit*
16 *the appropriate revenue in those subaccounts. Notwithstanding*
17 *Section 13340 of the Government Code, moneys in the account*
18 *and subaccount shall be continuously appropriated to the*
19 *department for the support of the particular park district or unit*
20 *of the state park system generating the revenue.*

21 (B) *Thirty percent shall be deposited into the State Parks and*
22 *Recreation Fund established pursuant to Section 5010.*

23 (2) (A) *Beginning January 15, 2014, and annually thereafter,*
24 *a park superintendent or park manager receiving funds pursuant*
25 *to subparagraph (A) of paragraph (1) shall provide to the director*
26 *a report on the expenditure of those funds.*

27 (B) *Beginning February 15, 2014, and annually thereafter, the*
28 *director shall, pursuant to Section 9795 of the Government Code,*
29 *submit to the Legislature, a report on the expenditures of revenues*
30 *specified in subparagraph (A) of paragraph (1) by the park districts*
31 *and units of the state park system.*

32 *SEC. 4. Section 5080.47 is added to the Public Resources Code,*
33 *to read:*

34 *5080.47. The department shall provide technical assistance to*
35 *a nonprofit organization that is developing or has in effect an*
36 *operating agreement to manage a unit of the state park system to*
37 *establish or join an insurance risk pool for the operation of the*
38 *unit of the state park system.*

39 ~~SECTION 1. Section 5080.46 is added to the Public Resources~~
40 ~~Code, to read:~~

1 5080.46.— (a) The department shall develop and implement a
2 pilot program intended to increase existing revenues, and develop
3 new sources of income at individual units of the state park system.
4 The pilot program is intended to accomplish the following:

5 (1) Develop ways to allow the department to keep a defined
6 amount of the revenues generated by a particular unit of the state
7 park system, regardless of whether the unit is operated by the
8 department, or pursuant to an agreement with a nonprofit
9 organization, or other entity, for use solely for the operation of
10 that unit of the park system for the purpose of using the moneys
11 to develop ways to increase revenues at that unit of the state park
12 system.

13 (2) Implement a plan to generate new sources of revenue at
14 individual units of the state park system intended to ensure there
15 are sufficient revenues for the continued operation of that unit of
16 the state park system.

17 (b) No later than December 31, 2015, the department shall report
18 to the Legislature on the effectiveness of the pilot program
19 developed and implemented pursuant to this section in increasing
20 existing revenues and generating new sources of revenues at
21 individual units of the state park system.

22 (c) This section shall remain in effect until January 1, 2016, and
23 as of that date is repealed, unless a later enacted statute, that is
24 enacted before January 1, 2016, deletes or extends that date.

25 SEC. 2.— Section 6216.8 is added to the Public Resources Code,
26 to read:

27 6216.8.— (a) The commission shall, no later than April 30, 2013,
28 develop and implement a plan to collect delinquent rents and
29 renegotiate expired and undervalued leases for state land and
30 properties under the commission's control. The sum of one million
31 dollars (\$1,000,000) shall be made available to the commission,
32 upon appropriation by the Legislature, as a loan from the General
33 Fund to carry out the purposes of this section, including the hiring
34 of staff.

35 (b) All revenues received by the commission from the collection
36 of delinquent rents and the renegotiation of expired and
37 undervalued leases for state lands and property shall be deposited
38 into the Delinquent Rent Collection Program Account in the
39 General Fund, which is hereby created. Moneys in the fund may

1 be expended, upon appropriation by the Legislature, in accordance
2 with the following schedule:

3 ~~(1) The sum of one million dollars (\$1,000,000) shall be~~
4 ~~allocated, before any other items in this schedule, to repay the loan~~
5 ~~for the startup cost of the program, as prescribed in subdivision~~
6 ~~(a).~~

7 ~~(2) (A) The sum of one million dollars (\$1,000,000) shall be~~
8 ~~allocated to the Department of Parks and Recreation to study ways~~
9 ~~to increase park revenues to prevent state park closures and ensure~~
10 ~~the preservation of existing parks. The study shall evaluate and~~
11 ~~consider all of the following:~~

12 ~~(i) The feasibility of lowering the cost of annual park passes~~
13 ~~that can be used in specific regions of the state, along with the~~
14 ~~study of regional passes that are part of cooperative ventures with~~
15 ~~county parks departments.~~

16 ~~(ii) The feasibility of issuing park passes that provide extra value~~
17 ~~such as coupons for recreational goods and services.~~

18 ~~(iii) The creation of voluntary tax check-off options to be used~~
19 ~~to purchase state park passes.~~

20 ~~(iv) The implementation of a plan to initiate concessionaire~~
21 ~~contracts that will increase state revenues.~~

22 ~~(v) The cost-effectiveness of entering into agreements with park~~
23 ~~and nonprofit organizations for the operation of concessions at~~
24 ~~state parks.~~

25 ~~(B) If there are insufficient funds collected pursuant to~~
26 ~~subdivision (a) to complete all the elements of the study required~~
27 ~~pursuant to this paragraph, the funds collected shall be used to~~
28 ~~maintain and keep parks open in the regions of the state that are~~
29 ~~most affected by state park closures.~~

30 ~~(3) The sum of one million five hundred thousand dollars~~
31 ~~(\$1,500,000) and any moneys remaining from the allocation~~
32 ~~prescribed in paragraph (2) shall be allocated to the Department~~
33 ~~of Parks and Recreation to implement new state park revenue~~
34 ~~generating programs. If insufficient funds are collected pursuant~~
35 ~~to subdivision (a) for the purposes of this paragraph, the amount~~
36 ~~of funds collected shall be used to keep state historical parks open.~~

37 ~~(e) Subdivision (a) does not apply to delinquent rents collected~~
38 ~~on leases for school land or property.~~

O