

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2150

Introduced by Assembly Member Rendon

February 20, 2014

An act to amend ~~Sections 541.5 and 5010.7~~ *Section 541.5* of, to add Section 535.4 to, *to add and repeal Section 5010.3 of*, and to add Chapter 14 (commencing with Section 5880) to Division 5 of, the Public Resources Code, relating to the Department of Parks and Recreation, ~~making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~ *Recreation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2150, as amended, Rendon. Department of Parks and Recreation.

(1) Existing law places responsibility of the state park system, which includes all parks, public camp grounds, monument sites, landmark sites, and sites of historical interest established or acquired by the state, with the Department of Parks and Recreation. Existing law requires the department to administer, protect, develop, and interpret the property under its jurisdiction for the use and enjoyment of the public. Existing law authorizes the department to expend all moneys of the department for the care, protection, supervision, extension, and improvement or development of the property under its jurisdiction. Existing law requires the State Park and Recreation Commission to evaluate and assess the department's deferred obligations, as specified.

This bill would require the department to identify and develop a priority list of deferred state park maintenance projects, as specified.

The bill would require the department to apply specified factors when prioritizing and identifying projects for the deferred maintenance list including, among others, projects that are necessary to prevent a state park from closing and, *to the extent feasible and practicable*, projects that will increase park access to underserved communities.

~~This bill would also require, by July 1, 2015, and subject to the availability of resources, the department to implement internal organizational changes to prioritize efforts to expand access to parks in urban and other underserved areas, including, but not limited to, reorganizing existing offices within the department to create a Division of Community Initiatives and Park Access. The bill would require that the purpose and objectives of the division include, among other things, developing and promoting programs that address the park and recreational needs of underserved youth and young adults.~~

This bill would rename the department's Division of External Affairs as the Division of Community Initiatives and Park Access, and would specify that the purposes and objectives of the division include convening and developing strategic partnerships and coalitions to facilitate, promote, and enhance access to, and relevancy of, state parks for underserved communities. The bill would require, on or before December 31, 2015, the division, in consultation with certain agencies and organizations, to develop a strategic action plan, as specified, for improving park access and relevancy for urban and traditionally underserved populations.

(2) Existing law authorizes the department to collect fees, rents, and other returns for the use of any state park system area in amounts determined by the department. Existing law authorizes the department to accept a credit card as a method of payment for fees collected through the department's reservation system.

This bill would require the department to establish a 3-year pilot program that expedites the use of certain technologies, especially at more remote parks, parks without staffed entrance locations, or park units where there are many points of entry. The bill would require the department, on or before December 31, 2016, to make available, as appropriate, one or more technologies that enable visitors to purchase and print park passes. The bill would require the department to maintain data on visitorship, park revenue, and the use of passes purchased through the use of those technologies. The bill would authorize the department to pay for the cost of the pilot program with available funds in a specified subaccount and fund.

(2)

(3) Existing law prohibits the department from closing or proposing to close a state park in the 2012–13 or 2013–14 fiscal year. Existing law provides that this prohibition does not limit or affect the department’s authority to enter into an operating agreement during those fiscal years, as specified.

This bill would extend this prohibition against closing or proposing to close a state park to the 2014–15 fiscal year and would similarly not limit or affect the department’s authority to enter into an operating agreement during that fiscal year, as specified.

~~(3) Existing law requires the department to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. Existing law requires the incremental revenue generated by the revenue generation program to be deposited into the State Parks and Recreation Fund and transferred to the State Parks Revenue Incentive Subaccount, as provided, once revenue targets have been met and the excess revenue is identified. Existing law further requires the department to allocate the revenue as specified, and requires the department to use 50% of the excess revenue deposited into the State Parks Revenue Incentive Subaccount for specific purposes, including the funding of capital costs of construction and installation of new revenue and fee collection equipment and technologies.~~

~~This bill would require the department, in expending these funds, to give first priority to the implementation of an integrated statewide enterprise system to modernize the department’s fee collection, reservations, sales, and data collection systems, as specified.~~

~~(4) Existing law establishes the California State Park Enterprise Fund, and provides that the revenues in the fund shall be available to the department upon appropriation by the Legislature, for specified purposes. Existing law makes these funds available for encumbrance and expenditure until June 30, 2014, and for liquidation until June 30, 2016.~~

~~This bill would extend the authorization for encumbrance and expenditure of these funds until June 30, 2015, and for liquidation until June 30, 2017, thereby making an appropriation.~~

~~(5) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: *yes-no*. Fiscal committee: *yes*. State-mandated local program: *no*.

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

1 SECTION 1. Section 535.4 is added to the Public Resources
2 Code, to read:

3 535.4. (a) The department shall identify and develop a priority
4 list of deferred state park maintenance projects. The list shall only
5 include projects for which the initial design, scoping, and planning
6 necessary to develop verifiable project cost estimates have been
7 completed.

8 (b) In addition to the requirements described in subdivision (a),
9 the department shall apply the following factors when prioritizing
10 and identifying projects for inclusion on the deferred maintenance
11 priority list:

12 (1) Projects that are necessary to prevent a state park from
13 closing.

14 (2) Projects that are necessary to avoid violations of state law
15 and potential assessment of regulatory fines against the department,
16 including, but not limited to, projects to address water quality and
17 waste discharge requirements.

18 (3) Projects that are necessary to address imminent public safety
19 hazards.

20 (4) Projects that are necessary to maintain revenue or have the
21 potential to increase revenue generation in state parks.

22 ~~(5) Projects~~ *To the extent feasible and practicable, projects that*
23 *will increase park access to underserved communities.*

24 (6) Projects that are necessary to protect significant natural or
25 cultural resources.

26 ~~(7) Projects that are necessary to maintain visitation~~
27 ~~opportunities at state parks.~~

28 SEC. 2. Section 541.5 of the Public Resources Code is amended
29 to read:

30 541.5. (a) The department shall not close, or propose to close,
31 a state park in the 2012–13, 2013–14, or 2014–15 fiscal year. The
32 commission and the department shall recommend all necessary
33 steps to establish a sustainable funding strategy for the department
34 to the Legislature on or before January 1, 2015.

35 (b) There is hereby appropriated twenty million five hundred
36 thousand dollars (\$20,500,000) to the department from the State
37 Parks and Recreation Fund, which shall be available for

1 encumbrance for the 2012–13 and 2013–14 fiscal years, to be
2 expended as follows:

3 (1) Ten million dollars (\$10,000,000) shall be available to
4 provide for matching funds pursuant to subdivision (c).

5 (2) Ten million dollars (\$10,000,000) shall be available for the
6 department to direct funds to parks that remain at risk of closure
7 or that will keep parks open during the 2012–13 and 2013–14 fiscal
8 years. Priority may be given to parks subject to a donor or operating
9 agreement or other contractual arrangement with the department.

10 (3) Up to five hundred thousand dollars (\$500,000) shall be
11 available for the department to pay for ongoing audits and
12 investigations as directed by the Joint Legislative Audit Committee,
13 the office of the Attorney General, the Department of Finance, or
14 other state agency.

15 (c) The department shall match on a dollar-for-dollar basis all
16 financial contributions contributed by a donor pursuant to an
17 agreement for the 2012–13 fiscal year for which the department
18 received funds as of July 31, 2013, and for agreements entered
19 into in the 2013–14 fiscal year. These matching funds shall be
20 used exclusively in the park unit subject to those agreements.

21 (d) The department shall notify the Joint Legislative Budget
22 Committee in writing not less than 30 days prior to the expenditure
23 of funds under this section of the funding that shall be expended,
24 the manner of the expenditure, and the recipient of the expenditure.

25 (e) The prohibition on the closure or proposed closure of a state
26 park in the 2012–13, 2013–14, or 2014–15 fiscal year, pursuant
27 to subdivision (a), does not limit or affect the department’s
28 authority to enter into an operating agreement, pursuant to Section
29 5080.42, during any of those fiscal years, for purposes of the
30 operation of the entirety of a state park during the fiscal year.

31 ~~SEC. 3.—Section 5010.7 of the Public Resources Code is~~
32 ~~amended to read:~~

33 ~~5010.7.—(a) The department shall develop a revenue generation~~
34 ~~program as an essential component of a long-term sustainable park~~
35 ~~funding strategy. On or before October 1, 2012, the department~~
36 ~~shall assign a two-year revenue generation target to each district~~
37 ~~under the control of the department. The revenue target may be~~
38 ~~amended annually for subsequent years, beginning in the 2015–16~~
39 ~~fiscal year. The department shall develop guidelines for districts~~
40 ~~to report the use of funds generated by the revenue generation~~

1 program, and shall post information and copies of the reports on
2 its Internet Web site.

3 ~~(b) The California State Park Enterprise Fund is hereby created~~
4 ~~in the State Treasury as a working capital fund, and the revenue~~
5 ~~shall be available to the department upon appropriation by the~~
6 ~~Legislature, for expenditure for the purposes specified in this~~
7 ~~section and shall be available for encumbrance and expenditure~~
8 ~~until June 30, 2015, and for liquidation until June 30, 2017.~~

9 ~~(c) The incremental revenue generated by the revenue generation~~
10 ~~program developed pursuant to subdivision (a) shall be deposited~~
11 ~~into the State Parks and Recreation Fund. Revenue identified as~~
12 ~~being in excess of the revenue targets shall be transferred to the~~
13 ~~State Parks Revenue Incentive Subaccount, established pursuant~~
14 ~~to Section 5010.6, on or before June 1, annually.~~

15 ~~(d) Moneys appropriated to the department pursuant to~~
16 ~~subdivision (b) and Section 5010.6 shall be expended as follows:~~

17 ~~(1) (A) The department shall allocate 50 percent of the total~~
18 ~~amount of revenues deposited into the State Parks Revenue~~
19 ~~Incentive Subaccount pursuant to subdivision (c), generated by a~~
20 ~~park district to that district if the amount of revenues generated~~
21 ~~exceeds the targeted revenue amount prescribed in the revenue~~
22 ~~generation program. The revenues to be allocated to a park district~~
23 ~~that fails to achieve the revenue target shall remain in the fund.~~

24 ~~(B) With the approval of the director, each district shall use the~~
25 ~~funds it receives from the department from the revenue generation~~
26 ~~program to improve the parks in that district through revenue~~
27 ~~generation programs and projects and other activities that will~~
28 ~~assist in the district's revenue generation activities, and the~~
29 ~~programs, projects, and other activities shall be consistent with~~
30 ~~the mission and purpose of each unit and with the plan developed~~
31 ~~for the unit pursuant to subdivision (a) of Section 5002.2.~~

32 ~~(C) The department shall report to the Legislature, commencing~~
33 ~~on July 1, 2014, and annually on or before each July 1 thereafter,~~
34 ~~on the revenue distributed to each district pursuant to this section.~~

35 ~~(2) The department shall use 50 percent of the funds deposited~~
36 ~~into the State Parks Revenue Incentive Subaccount pursuant to~~
37 ~~subdivision (c) for the following purposes:~~

38 ~~(A) (i) To fund the capital costs of construction and installation~~
39 ~~of new revenue and fee collection equipment and technologies and~~

1 other physical upgrades to existing state park system lands and
2 facilities.

3 (ii) In expending funds pursuant to this subparagraph, the
4 department shall give first priority to the implementation of an
5 integrated statewide enterprise system to modernize the
6 department's fee collection, reservations, sales, and data collection
7 systems. The system shall include, but is not necessarily limited
8 to, an integrated communications network that provides real time
9 access to transactions data and connectivity between park districts
10 and department headquarters, including point-of-sale automated
11 fee collection equipment in state park units.

12 (B) For costs of restoration, rehabilitation, and improvement of
13 the state park system and its natural, historical, and visitor-serving
14 resources that enhance visitation and are designed to create
15 opportunities to increase revenues.

16 (C) For costs to the department to implement the action plan
17 required to be developed by the department pursuant to Section
18 5019.92.

19 (D) To establish a revolving loan program pursuant to
20 subdivision (e).

21 (e) (1) The department shall establish a revolving loan program
22 and prepare guidelines establishing a process for those districts
23 that receive moneys under paragraph (1) of subdivision (d) to apply
24 for funds that exceed the amount of funds provided to the districts
25 pursuant to paragraph (1) of subdivision (d). It is the intent of the
26 Legislature that the revolving loan program fund only those
27 projects that will contribute to the success of the department's
28 revenue generation program and the continual growth of the fund
29 over time. Districts may apply for funds for capital projects,
30 personnel, and operations that are consistent with this subdivision,
31 including the costs of preparing an application. The department
32 shall provide an annual accounting to the Department of Finance
33 and the relevant legislative committees of the use of those funds
34 in accordance with the purposes outlined in Proposition 40 (the
35 California Clean Water, Clean Air, Safe Neighborhood Parks, and
36 Coastal Protection Bond Act of 2002 (Chapter 1.696 (commencing
37 with Section 5096.600) of Division 5)) and Proposition 84 (the
38 Safe Drinking Water, Water Quality and Supply, Flood Control,
39 River and Coastal Protection Bond Act of 2006 (Division 43
40 (commencing with Section 75001))), voter-approved bond acts.

- 1 ~~(2) The guidelines prepared pursuant to paragraph (1) shall~~
2 ~~require that applications for funding include all of the following:~~
- 3 ~~(A) A clear description of the proposed use of funds, including~~
4 ~~maps and other drawings, as applicable.~~
- 5 ~~(B) A market analysis demonstrating demand for the project or~~
6 ~~service.~~
- 7 ~~(C) The projected lifespan of the project, which must be at least~~
8 ~~20 years for a proposed capital project.~~
- 9 ~~(D) A projection of revenues, including the specific assumptions~~
10 ~~for annual income, fees, occupancy rates, pricing, and other~~
11 ~~relevant criteria upon which the projection is based.~~
- 12 ~~(E) A projection of costs, including, but not limited to, design,~~
13 ~~planning, construction, operation, staff, maintenance, marketing,~~
14 ~~and information technology.~~
- 15 ~~(F) The timeframe for implementation, including all necessary~~
16 ~~reviews and permitting.~~
- 17 ~~(G) The projected net return on investment of the life of the~~
18 ~~project.~~
- 19 ~~(H) Provisions providing for mandatory reporting on the project~~
20 ~~by districts to the department.~~
- 21 ~~(f) The department shall rank all of the proposals and award~~
22 ~~loans for projects or other activities to districts based on the~~
23 ~~following criteria, as well as other considerations that the~~
24 ~~department considers relevant:~~
- 25 ~~(1) Return on investment.~~
- 26 ~~(2) Length of time for implementation.~~
- 27 ~~(3) Length of time for the project debt to be retired.~~
- 28 ~~(4) Percentage of total project costs paid by the district or by a~~
29 ~~source of matching funds.~~
- 30 ~~(5) Annual operating costs.~~
- 31 ~~(6) Capacity of project to improve services or park experiences,~~
32 ~~or both, for park visitors.~~
- 33 ~~(g) The funds generated by the revenue generation program~~
34 ~~shall not be used by the department to expand the park system,~~
35 ~~unless there is significant revenue generation potential from the~~
36 ~~expansion.~~
- 37 ~~(h) Notwithstanding Section 5009, moneys received by the~~
38 ~~department from private contributions and other public funding~~
39 ~~sources may also be deposited into the California State Park~~

1 ~~Enterprise Fund for use for the purposes of subdivision (c) and~~
2 ~~subdivision (d):~~

3 ~~(i) The department shall provide all relevant information on its~~
4 ~~Internet Web site concerning how the working capital funds are~~
5 ~~spent, including the guidelines and the department’s ranking criteria~~
6 ~~for each funded loan agreement.~~

7 ~~(j) A project agreement shall be negotiated between the~~
8 ~~department and a park unit and the total amount of requested~~
9 ~~project costs shall be allocated to the district as soon as is feasible~~
10 ~~when the agreement is finalized.~~

11 ~~(k) The department may recoup its costs for implementing and~~
12 ~~administering the working capital from the fund.~~

13 ~~SEC. 4. Chapter 14 (commencing with Section 5880) is added~~
14 ~~to Division 5 of the Public Resources Code, to read:~~

15
16 ~~CHAPTER 14. DIVISION OF COMMUNITY INITIATIVES AND PARK~~
17 ~~ACCESS~~
18

19 ~~5880. On or before July 1, 2015, and subject to availability of~~
20 ~~resources, the department shall implement internal organizational~~
21 ~~changes to prioritize efforts to expand access to parks in urban and~~
22 ~~other underserved areas. The organizational changes shall include,~~
23 ~~but are not necessarily limited to, reorganizing existing offices~~
24 ~~within the department, such as the Office of Grants and Local~~
25 ~~Services and the Office of Community Involvement, to create a~~
26 ~~new Division of Community Initiatives and Park Access. The~~
27 ~~purpose and objectives of the division shall include, but are not~~
28 ~~necessarily limited to, all of the following:~~

29 ~~(a) Promoting and enhancing access to, and relevancy of, state~~
30 ~~parks for urban and underserved communities.~~

31 ~~(b) Working in partnership and in coordination with other~~
32 ~~governmental agencies, nonprofit organizations, schools, and~~
33 ~~community groups, through education, outreach, and technical~~
34 ~~assistance, to increase the capacity of local communities to meet~~
35 ~~the recreational and open space needs of their residents.~~

36 ~~(c) Developing and promoting programs that address the park~~
37 ~~and recreational needs of underserved youth and young adults, and~~
38 ~~programs that connect youth and young adults with nature and the~~
39 ~~outdoors.~~

1 ~~(d) Implementing recruitment policies designed to diversify the~~
2 ~~department's workforce.~~

3 ~~(e) Identifying other barriers to park access and developing~~
4 ~~strategies and recommendations to remove those barriers.~~

5 ~~SEC. 5. This act is an urgency statute necessary for the~~
6 ~~immediate preservation of the public peace, health, or safety within~~
7 ~~the meaning of Article IV of the Constitution and shall go into~~
8 ~~immediate effect. The facts constituting the necessity are:~~

9 ~~In order to address urgent needs within the state park system for~~
10 ~~maintenance of facilities necessary to protect public health and~~
11 ~~safety, to enable the state as soon as possible to generate the~~
12 ~~revenues necessary to keep state parks open to the public, and to~~
13 ~~preserve the vital role of state parks in ensuring healthy~~
14 ~~communities, it is necessary that this bill take effect immediately.~~

15 ~~SEC. 3. Section 5010.3 is added to the Public Resources Code,~~
16 ~~to read:~~

17 ~~5010.3. (a) (1) The Legislature finds and declares that various~~
18 ~~agencies charged with public lands recreation and management~~
19 ~~have developed systems that enable visitors to purchase and print~~
20 ~~appropriate passes, either in advance through the use of~~
21 ~~Internet-based secured transactions or onsite through the use of~~
22 ~~smartphones or other mobile telephone technologies.~~

23 ~~(2) It is the intent of the Legislature that the department, as a~~
24 ~~means of increasing convenience to the public and overall park~~
25 ~~visitation, expedite the use of the technologies described in~~
26 ~~paragraph (1), especially at more remote parks, parks without~~
27 ~~staffed entrance locations, or park units where there are many~~
28 ~~points of entry.~~

29 ~~(b) (1) The department shall establish a three-year pilot~~
30 ~~program that expedites the use of the technologies described in~~
31 ~~paragraph (1) of subdivision (a), especially at more remote parks,~~
32 ~~parks without staffed entrance locations, or park units where there~~
33 ~~are many points of entry.~~

34 ~~(2) Notwithstanding Section 5091.20, on or before December~~
35 ~~31, 2016, the department shall make available, as appropriate,~~
36 ~~one or more technologies that enable visitors to purchase and~~
37 ~~print park passes, including single day use passes and annual~~
38 ~~passes that enable visits to one or more state parks.~~

1 (3) *The department shall maintain data that includes, but is not*
2 *limited to, data on visitorship, park revenue, and the use of passes*
3 *purchased pursuant to this subdivision.*

4 (c) *Notwithstanding any other law, the department may pay for*
5 *the cost of the pilot program with available funds in the State Parks*
6 *Revenue Incentive Subaccount established by Section 5010.6, or*
7 *the California State Park Enterprise Fund, established by Section*
8 *5010.7.*

9 (d) *This section shall remain in effect only until January 1, 2020,*
10 *and as of that date is repealed, unless a later enacted statute, that*
11 *is enacted before January 1, 2020, deletes or extends that date.*

12 SEC. 4. *Chapter 14 (commencing with Section 5880) is added*
13 *to Division 5 of the Public Resources Code, to read:*

14
15 *CHAPTER 14. DIVISION OF COMMUNITY INITIATIVES AND PARK*
16 *ACCESS*

17
18 5880. (a) *It is the intent of the Legislature that the department*
19 *prioritize efforts to expand access to parks in underserved areas*
20 *by, among other things, convening and developing strategic*
21 *partnerships and coalitions to facilitate, promote, and enhance*
22 *access to, and relevancy of, state parks for underserved*
23 *communities.*

24 (b) *The department's Division of External Affairs is hereby*
25 *renamed the Division of Community Initiatives and Park Access.*
26 *The purposes and objectives of the division shall include, but are*
27 *not limited to, convening and developing strategic partnerships*
28 *and coalitions to facilitate, promote, and enhance access to, and*
29 *relevancy of, state parks for underserved communities.*

30 5881. *On or before December 31, 2015, the Division of*
31 *Community Initiatives and Park Access, in consultation with other*
32 *relevant state and local agencies, nonprofit organizations, schools,*
33 *public health entities, and community-based organizations, shall*
34 *develop a strategic action plan for improving park access and*
35 *relevancy for urban and traditionally underserved populations.*
36 *The strategic action plan shall include, but need not be limited to,*
37 *all of the following:*

38 (a) *Development of up to three pilot projects in underserved*
39 *regions to test and evaluate best management practices and*
40 *strategies to enhance park access and new models of park*

1 *planning, design, development, outreach, and operation to ensure*
2 *state, regional, and local parks are designed and managed to meet*
3 *the needs of communities. It is the intent of the Legislature that*
4 *the pilot projects include engagement of local communities and*
5 *local park agencies in the planning process to ensure facilities,*
6 *amenities, design, and programming align with local needs and*
7 *include sustainable operating plans.*

8 *(b) Identification of strategic partners, including, but not limited*
9 *to, local and regional park providers, local governments and*
10 *special districts, other state agencies that serve disadvantaged*
11 *communities, local educational agencies, public health entities,*
12 *and other community-based groups, to form an integrated network*
13 *of organizations working collaboratively to address the park and*
14 *open-space needs of residents living in the designated underserved*
15 *region of each pilot project.*

16 *(c) An assessment of park assets and park needs of residents*
17 *living in the designated underserved region of each pilot project.*

18 *(d) Drawing upon best management practices from park and*
19 *recreation professional literature and related fields, strategies for*
20 *developing and implementing partnerships, projects, programs,*
21 *and other initiatives that will do all of the following:*

22 *(1) Increase visitation to state parks, particularly visitation by*
23 *those in underserved communities in park poor areas.*

24 *(2) Improve transportation options to existing state parks.*

25 *(3) Provide opportunities for active recreation,*
26 *multigenerational gatherings, and other culturally relevant*
27 *amenities.*

28 *(e) Development of regional collaboratives led by the*
29 *department to begin implementation of recommendations included*
30 *in the strategic action plan.*

31 *(f) Development of partnerships, programs, and other initiatives*
32 *in state parks, regional park systems, and local park systems that*
33 *address the park and recreational needs of underserved youth and*
34 *young adults, and programs that connect youth and young adults*
35 *with nature and the outdoors, including, but not necessarily limited*
36 *to, programs such as youth internships that focus on development*
37 *of leadership skills and provide a pathway for young adults to*
38 *pursue park-related careers.*

1 (g) *Identification of other barriers to state park access and*
2 *development of strategies and recommendations to remove those*
3 *barriers.*

4 5882. *Notwithstanding any other law, moneys allocated to the*
5 *department from the State Parks Protection Fund pursuant to*
6 *Section 18900.3 of the Revenue and Taxation Code may be used*
7 *for purposes of implementing this chapter.*

O