

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2150**

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**Introduced by Assembly Member Rendon**

February 20, 2014

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An act to amend 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.

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 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.

(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.

Vote: majority. Appropriation: 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) To the extent feasible and practicable, projects that will  
23 increase park access to underserved communities.

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

26 ~~SEC. 2. Section 541.5 of the Public Resources Code is amended~~  
27 ~~to read:~~

28 ~~541.5. (a) The department shall not close, or propose to close,~~  
29 ~~a state park in the 2012–13, 2013–14, or 2014–15 fiscal year. The~~  
30 ~~commission and the department shall recommend all necessary~~  
31 ~~steps to establish a sustainable funding strategy for the department~~  
32 ~~to the Legislature on or before January 1, 2015.~~

33 ~~(b) There is hereby appropriated twenty million five hundred~~  
34 ~~thousand dollars (\$20,500,000) to the department from the State~~  
35 ~~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 (e) ~~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. 2. Section 541.5 of the Public Resources Code is amended*  
32 *to read:*

33 541.5. (a) The department shall not close, or propose to close,  
34 a state park in the ~~2012–13 or 2013–14~~ *2012–13, 2013–14, or*  
35 *2014–15* fiscal year. The commission and the department shall  
36 recommend all necessary steps to establish a sustainable funding  
37 strategy for the department to the Legislature on or before January  
38 1, 2015.

39 (b) There is hereby appropriated twenty million five hundred  
40 thousand dollars (\$20,500,000) to the department from the State

1 Parks and Recreation Fund, which shall be available for  
2 encumbrance until June 30, 2016, and for liquidation until June  
3 30, 2018, to be expended as follows:

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

6 (2) Ten million dollars (\$10,000,000) shall be available for the  
7 department to direct funds to parks that remain at risk of closure  
8 or that will keep parks open during the 2012–13 to 2015–16 fiscal  
9 years, inclusive. Priority may be given to parks subject to a donor  
10 or operating agreement or other contractual arrangement with the  
11 department.

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

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

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

27 (e) The prohibition on the closure or proposed closure of a state  
28 park in the ~~2012–13 or 2013–14~~ *2012–13, 2013–14, or 2014–15*  
29 fiscal year, pursuant to ~~paragraph~~ *subdivision* (a), does not limit  
30 or affect the department’s authority to enter into an operating  
31 agreement, pursuant to Section 5080.42, during ~~the 2012–13 or~~  
32 ~~2013–14 fiscal year,~~ *any of those fiscal years,* for purposes of the  
33 operation of the entirety of a state park during the ~~2012–13 or~~  
34 ~~2013–14~~ fiscal year.

35 SEC. 3. Section 5010.3 is added to the Public Resources Code,  
36 to read:

37 5010.3. (a) (1) The Legislature finds and declares that various  
38 agencies charged with public lands recreation and management  
39 have developed systems that enable visitors to purchase and print  
40 appropriate passes, either in advance through the use of

1 Internet-based secured transactions or onsite through the use of  
2 smartphones or other mobile telephone technologies.

3 (2) It is the intent of the Legislature that the department, as a  
4 means of increasing convenience to the public and overall park  
5 visitation, expedite the use of the technologies described in  
6 paragraph (1), especially at more remote parks, parks without  
7 staffed entrance locations, or park units where there are many  
8 points of entry.

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

14 (2) Notwithstanding Section 5091.20, on or before December  
15 31, 2016, the department shall make available, as appropriate, one  
16 or more technologies that enable visitors to purchase and print  
17 park passes, including single day use passes and annual passes that  
18 enable visits to one or more state parks.

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

22 (c) Notwithstanding any other law, the department may pay for  
23 the cost of the pilot program with available funds in the State Parks  
24 Revenue Incentive Subaccount established by Section 5010.6, or  
25 the California State Park Enterprise Fund, established by Section  
26 5010.7.

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

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

32

33 CHAPTER 14. DIVISION OF COMMUNITY INITIATIVES AND PARK  
34 ACCESS

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36 5880. (a) It is the intent of the Legislature that the department  
37 prioritize efforts to expand access to parks in underserved areas  
38 by, among other things, convening and developing strategic  
39 partnerships and coalitions to facilitate, promote, and enhance

1 access to, and relevancy of, state parks for underserved  
2 communities.

3 (b) The department's Division of External Affairs is hereby  
4 renamed the Division of Community Initiatives and Park Access.  
5 The purposes and objectives of the division shall include, but are  
6 not limited to, convening and developing strategic partnerships  
7 and coalitions to facilitate, promote, and enhance access to, and  
8 relevancy of, state parks for underserved communities.

9 5881. On or before December 31, 2015, the Division of  
10 Community Initiatives and Park Access, in consultation with other  
11 relevant state and local agencies, nonprofit organizations, schools,  
12 public health entities, and community-based organizations, shall  
13 develop a strategic action plan for improving park access and  
14 relevancy for urban and traditionally underserved populations. The  
15 strategic action plan shall include, but need not be limited to, all  
16 of the following:

17 (a) Development of up to three pilot projects in underserved  
18 regions to test and evaluate best management practices and  
19 strategies to enhance park access and new models of park planning,  
20 design, development, outreach, and operation to ensure state,  
21 regional, and local parks are designed and managed to meet the  
22 needs of communities. It is the intent of the Legislature that the  
23 pilot projects include engagement of local communities and local  
24 park agencies in the planning process to ensure facilities, amenities,  
25 design, and programming align with local needs and include  
26 sustainable operating plans.

27 (b) Identification of strategic partners, including, but not limited  
28 to, local and regional park providers, local governments and special  
29 districts, other state agencies that serve disadvantaged communities,  
30 local educational agencies, public health entities, and other  
31 community-based groups, to form an integrated network of  
32 organizations working collaboratively to address the park and  
33 open-space needs of residents living in the designated underserved  
34 region of each pilot project.

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

37 (d) Drawing upon best management practices from park and  
38 recreation professional literature and related fields, strategies for  
39 developing and implementing partnerships, projects, programs,  
40 and other initiatives that will do all of the following:

- 1 (1) Increase visitation to state parks, particularly visitation by
- 2 those in underserved communities in park poor areas.
- 3 (2) Improve transportation options to existing state parks.
- 4 (3) Provide opportunities for active recreation, multigenerational
- 5 gatherings, and other culturally relevant amenities.
- 6 (e) Development of regional collaboratives led by the department
- 7 to begin implementation of recommendations included in the
- 8 strategic action plan.
- 9 (f) Development of partnerships, programs, and other initiatives
- 10 in state parks, regional park systems, and local park systems that
- 11 address the park and recreational needs of underserved youth and
- 12 young adults, and programs that connect youth and young adults
- 13 with nature and the outdoors, including, but not necessarily limited
- 14 to, programs such as youth internships that focus on development
- 15 of leadership skills and provide a pathway for young adults to
- 16 pursue park-related careers.
- 17 (g) Identification of other barriers to state park access and
- 18 development of strategies and recommendations to remove those
- 19 barriers.
- 20 5882. Notwithstanding any other law, moneys allocated to the
- 21 department from the State Parks Protection Fund pursuant to
- 22 Section 18900.3 of the Revenue and Taxation Code may be used
- 23 for purposes of implementing this chapter.