

AMENDED IN ASSEMBLY JULY 3, 2013
AMENDED IN ASSEMBLY JUNE 12, 2013
AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 599

Introduced by Senator Evans

February 22, 2013

An act to amend Sections 535, ~~535.5~~, and ~~541.5~~ and 535.5 of, and to add Sections 530.5 ~~and 541.7~~, 541.7, and 541.8 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 599, as amended, Evans. State parks.

Existing law establishes the State Park and Recreation Commission within the Department of Parks and Recreation, and sets forth the commission's duties, including, among others, to evaluate and assess the department's deferred maintenance obligations, and to report annually to the Governor on recreational facilities, programs, and activities of the state park system.

This bill would require the commission to also evaluate and assess the department's proposed capital outlay and infrastructure expenditures, and would require the commission's annual report to identify any budgetary requests of the commission for consideration by the ~~Department of Finance and the Legislature~~ *Director of the Department of Parks and Recreation*, as specified. The bill would authorize the commission to conduct public meetings or hearings on all matters within the jurisdiction of the department, and would require the commission to meet at least quarterly and to achieve geographic balance in the locations at which meetings are held. The bill, if the department proposes

to close a state park on or after the 2014–15 fiscal year, would require the department to first provide notice to the commission 6 months in advance, and would also require the Department of Finance to establish a separate line item in the annual Budget Act for any annual appropriations to the commission proposed by the Governor or appropriated by the Legislature. The bill would make various findings and declarations of the Legislature relating to the Department of Parks and Recreation. *Recreation.*

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. The Legislature finds and declares all of the
2 following:

3 (a) The Department of Parks and Recreation has experienced
4 difficult years with decreased funding, the threatened closure of
5 dozens of important state parks, and fiscal mismanagement that
6 resulted in at least four separate audits or investigations.

7 (b) In its initial response to these circumstances, in 2012, the
8 Legislature directed the department to establish a revenue
9 generation program with dedicated funding, expanded opportunities
10 for contracts and other arrangements with nonprofits to help keep
11 parks open, added legislative ex officio members to the State Park
12 and Recreation Commission, and directed the commission to
13 review the deferred maintenance backlog at the department.

14 (c) In addition, among other provisions, in 2012, the Legislature
15 authorized the sale of specialized state park license plates, required
16 a prioritized plan to increase revenues and collect user fees, and
17 prohibited the closure of any parks for a specified period.

18 (d) Because of the important public functions provided by the
19 department and the importance of continued public oversight of
20 the department, including, but not limited to, the implementation
21 of the various budget and statutory provisions enacted in 2012,
22 the Legislature has determined to enact this measure.

23 SEC. 2. Section 530.5 is added to the Public Resources Code,
24 to read:

25 530.5. The commission shall meet at least quarterly and shall
26 achieve geographic balance in the locations at which meetings are
27 held. The commission may arrange for its meetings to be broadcast

1 or streamed live on the Internet through a contract with a provider.
2 The commission may also conduct meetings through
3 videoconferencing to achieve financial savings.

4 SEC. 3. Section 535 of the Public Resources Code is amended
5 to read:

6 535. (a) The commission shall report annually to the Governor,
7 through the director, on existing and operating recreational
8 facilities, programs, and activities of the state park system, and
9 the needs of the state and the local subdivisions of the state for
10 recreational facilities, programs, and activities, and shall make
11 recommendations for programs and activities to meet future needs
12 of the state for parks and recreation.

13 (b) The annual report shall identify any budgetary requests of
14 the commission for consideration by the ~~Department of Finance~~
15 ~~and the Legislature~~ *director*, including, notwithstanding the
16 provisions of Section 534.5, recommendations for staff that may
17 be hired.

18 SEC. 4. Section 535.5 of the Public Resources Code is amended
19 to read:

20 535.5. (a) The commission shall evaluate and assess the
21 department's deferred maintenance obligations and proposed
22 capital outlay and infrastructure expenditures. After public notice
23 and at a public hearing, following a presentation by the relevant
24 district superintendent, the commission may consider the nature
25 and extent, and establish the relative priority, of prospective
26 deferred maintenance projects of the department.

27 (b) The commission may provide advice to the Governor, the
28 Legislature, and the department on policies, projects, and other
29 matters pertaining to parks, recreation, and public access affecting
30 the state park system.

31 (c) The commission may conduct an annual workshop or series
32 of workshops to review the department's annual operating budget
33 and proposed capital improvement projects.

34 (d) The commission may make recommendations to improve
35 visitor services and visitor satisfaction in parks, assess the progress
36 and challenges with regard to the protection of natural, cultural,
37 and historical resources within the state park system, and enhance
38 revenue opportunities across the state park system.

39 (e) The commission may assist in promoting the state park
40 system and parks and recreational facilities and programs.

1 (f) The commission may conduct public meetings or hearings
2 on all matters within the jurisdiction of the department, including,
3 but not limited to, revenue generation, public-private partnerships,
4 and concession agreements.

5 (g) The sum of one hundred twenty ~~thousands~~ *thousand* dollars
6 (\$120,000) annually in the 2012–13 and 2013–14 fiscal years is
7 hereby appropriated from the State Parks and Recreation Fund to
8 the commission for the purpose of funding those activities
9 authorized under this section.

10 ~~SEC. 5.~~ Section 541.5 of the Public Resources Code is amended
11 to read:

12 ~~541.5.~~ (a) ~~The department shall not close, or propose to close,~~
13 ~~a state park in the 2012–13 or 2013–14 fiscal year. The commission~~
14 ~~and the department shall recommend all necessary steps to establish~~
15 ~~a sustainable funding strategy for the department to the Legislature~~
16 ~~on or before January 1, 2015.~~

17 (b) ~~There is hereby appropriated twenty million five hundred~~
18 ~~thousand dollars (\$20,500,000) to the department from the State~~
19 ~~Parks and Recreation Fund, which shall be available for~~
20 ~~encumbrance for the 2012–13 and 2013–14 fiscal years, to be~~
21 ~~expended as follows:~~

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

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

29 (3) ~~Up to five hundred thousand dollars (\$500,000) shall be~~
30 ~~available for the department to pay for ongoing audits and~~
31 ~~investigations as directed by the Joint Legislative Audit Committee,~~
32 ~~the office of the Attorney General, the Department of Finance, or~~
33 ~~other state agency.~~

34 (e) ~~The department shall match on a dollar-for-dollar basis all~~
35 ~~financial contributions contributed by a donor pursuant to an~~
36 ~~agreement for the 2012–13 fiscal year for which the department~~
37 ~~received funds as of July 31, 2013, and for agreements entered~~
38 ~~into in the 2013–14 fiscal year. These matching funds shall be~~
39 ~~used exclusively in the park unit subject to those agreements.~~

1 ~~(d) The department shall notify the Joint Legislative Budget~~
2 ~~Committee in writing not less than 30 days before the expenditure~~
3 ~~of funds under this section of the funding that shall be expended,~~
4 ~~the manner of the expenditure, and the recipient of the expenditure.~~

5 ~~(e) If the department proposes to close a state park on or after~~
6 ~~the 2014–15 fiscal year, the department shall not do so unless it~~
7 ~~first provides notice to the commission six months in advance in~~
8 ~~order to provide the commission an opportunity to provide input~~
9 ~~and to propose one or more alternatives to closure.~~

10 ~~SEC. 6.~~

11 *SEC. 5.* Section 541.7 is added to the Public Resources Code,
12 to read:

13 541.7. The Department of Finance shall establish a separate
14 line item in the annual Budget Act for any annual appropriations
15 to the commission proposed by the Governor or appropriated by
16 the Legislature.

17 *SEC. 6.* Section 541.8 is added to the Public Resources Code,
18 to read:

19 541.8. *If the department proposes to close a state park on or*
20 *after the 2014–15 fiscal year, the department shall not do so unless*
21 *it first provides notice to the commission six months in advance*
22 *in order to provide the commission an opportunity to provide input*
23 *and to propose one or more alternatives to closure.*