

AMENDED IN SENATE JULY 13, 2015

AMENDED IN SENATE JUNE 30, 2015

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 549**

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**Introduced by Assembly Member Levine  
(Coauthor: Assembly Member Rendon)**

February 23, 2015

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An act to amend Sections 5003.4, 5005, 5009.1, 5009.2, 5010.7, 5080.18, and 5080.20 of, and to add Section 5010.3 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 549, as amended, Levine. State park system.

Existing law authorizes the Department of Parks and Recreation to install or permit the installation of camping cabins within the units of the state park system if installation of camping cabins is consistent with the general plan of the unit.

This bill would authorize the department to acquire, install or permit the installation of, and operate or permit the operation of, camping ~~cabins~~, *cabins* and parking facilities for recreational ~~vehicles~~, and ~~any associated access and public safety facilities~~, *vehicles* within the units of the state park system, if the installation and operation is consistent with the classification of the park system unit, and with the general plan of the unit, if one exists. The bill would authorize the department to enter into an agreement with a qualified nonprofit organization for those purposes.

Existing law authorizes the department to receive and accept in the name of the people of the state any gift, dedication, devise, grant, or other conveyance of title to or any interest in real property, including water rights, roads, trails, and rights-of-way, to be added or used in connection with the state park system, subject to the approval of the Director of Finance, except as provided.

This bill would include buildings, facilities, and other improvements to the types of interests that the department may receive to be used in connection with the state park system.

Existing law authorizes the department to enter into an agreement to receive money from any entity for the maintenance or operation, on a nonprofit basis, of a designated state park unit or facility. Existing law requires the money received to be used to supplement existing resources for enhancing the maintenance and operation of the unit or facility, with priority given to preventing closure or reduced hours of service to the public.

This bill would authorize the department to enter into an agreement to receive funds from any entity for the maintenance, operation, restoration, repair, or enhancement of a designated state park system unit or facility or for research, educational, interpretive, recreational, or visitor services provided on or for a designated state park system unit or facility. The bill would provide that the funds received shall be used to supplement, but not replace, existing resources, would remove the priority given to preventing closure or reduced hours of service to the public, and would authorize the department to provide free or reduced cost access to and use of park facilities to an entity that enters into this agreement, if the public benefit provided by the agreement exceeds or is of comparable value, as determined by the department, to the access to or use of park facilities granted.

Existing law authorizes the department to enter into an agreement to receive funds from any entity for the maintenance or operation of a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit. Existing law requires funds received to be used to supplement existing resources.

This bill would authorize the department to enter into an agreement to receive funds from any entity for the maintenance, operation, restoration, repair, or enhancement of a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit, or for research, educational, interpretive, recreational, or visitor services provided on or for a state beach, any

other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit. The bill would provide that funds received shall be used to supplement, but not replace, existing resources, and would authorize the department to provide free or reduced cost access to and use of beach facilities to an entity that enters into this agreement, if the public benefit provided by the agreement exceeds or is of comparable value, as determined by the department, to the access to or use of beach facilities granted.

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 establishes the State Park Revenue Incentive Subaccount in the State Parks and Recreation Fund with money available to the department for activities, programs, and projects, as provided, relating to the revenue generation program. Existing law requires ~~the money to be spent in a specified way, including 50% of the total amount of certain program revenues deposited into the subaccount generated by a park district to be allocated to that district,~~ as provided. Existing law requires the department to report to the Legislature annually on or before July 1 on the revenue distributed to each park district.

This bill would instead require the department to report to the Legislature annually on or before December 31.

Existing law authorizes the department to collect fees, rents, and other returns for the use of any state park system area, the amounts of which are to be determined by the department.

This bill would require the department to develop a statewide fee policy for assessment of fees, as specified, to report to the Legislature on the statewide fee policy on or before December 31, 2016, to make its annual fee schedule publicly available on its Internet Web site, and to ~~immediately~~ update the fee schedule on its Internet Web site to reflect fee-rate changes.

Existing law authorizes the department to enter into competitively bid contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system.

This bill would require all renewals of those concession contracts to be subject to competitive bidding requirements.

Existing law requires every concessionaire to submit to the department its sales and use tax returns.

This bill would also require every concessionaire to, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

Existing law requires a concession contract entered into pursuant to specified provisions that is expected to involve a total investment or gross sales in excess of \$500,000 to comply with certain other contract requirements.

This bill would impose those requirements on a concession contract that is expected to involve a total investment or gross sales in excess of ~~\$1,000,000~~ *\$1,000,000 and would revise those contract requirements, 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. (a) It is the intent of the Legislature to enact  
2 changes in law necessary to facilitate and expedite implementation  
3 of reforms recommended by the Parks Forward Commission to  
4 ensure a vibrant and sustainable park system for all Californians  
5 and for present and future generations. The changes to be enacted  
6 include, but are not necessarily limited to, those that will facilitate  
7 all of the following:

8 (1) The organizational, administrative, and technological  
9 changes needed at the Department of Parks and Recreation to  
10 modernize the department’s processes, ensure efficiency and  
11 accountability throughout the department, diversify the  
12 department’s workforce, and better serve the needs of park visitors.

13 (2) New public-private partnerships to provide improved  
14 stewardship of state parks and the natural and cultural resources  
15 they contain and to enhance programs and services for park visitors.

16 (3) Enhanced park access for all Californians, and engagement  
17 of younger generations through increased opportunities for  
18 environmental and outdoor education in parks and for youth  
19 leadership development.

20 (4) Establishment of a stable and diversified funding structure,  
21 including a more entrepreneurial and robust revenue generation  
22 strategy.

23 (b) ~~(4)~~—In its 2015 report, the California’s Parks Forward  
24 Commission recommended expanding the availability of safe,

1 clean, and affordable cabins and similar overnight accommodations  
2 in state and local parks as an important means of providing  
3 equitable park access and building public support for parks  
4 statewide.

5 ~~(2) Although coastal parks are among California's most loved  
6 and visited parks, access to affordable cabins and other lower-cost  
7 overnight accommodations in coastal parks is limited because of  
8 high demand and limited supply.~~

9 ~~(3) It is the intent of the Legislature that the California Coastal  
10 Commission and the State Coastal Conservancy, in consultation  
11 with the Department of Parks and Recreation and other appropriate  
12 entities, develop a proposal describing how unexpended fee  
13 revenue, assessed to mitigate the loss of affordable overnight  
14 accommodations, in combination with other sources of funding,  
15 including any public or philanthropic funds that may become  
16 available, may be used to fund the identification, development,  
17 and implementation of opportunities to expand availability of  
18 affordable cabins and other similar overnight accommodations,  
19 and associated public access and safety facilities in coastal parks,  
20 including, but not necessarily limited to, state, local, and regional  
21 parks.~~

22 (c) It is the intent of the Legislature in enacting the changes to  
23 Section 5003.4 of the *Public Resources Code* made by this act that  
24 agreements entered into pursuant to subdivision (b) of that section  
25 not compete with existing concession contracts through which  
26 comparable services, as determined by the department, are or could  
27 be provided.

28 SEC. 2. Section 5003.4 of the Public Resources Code is  
29 amended to read:

30 5003.4. (a) There shall be provided in each state park in which  
31 camping is permitted those parking facilities for recreational  
32 vehicles, as defined by Section 18010 of the Health and Safety  
33 Code, that can be accommodated within the park consistent with  
34 the objective of providing camping facilities for the public in these  
35 parks. In addition, the Department of Parks and Recreation may  
36 acquire, install or permit the installation of, and operate or permit  
37 the operation of, camping cabins, as defined by Section 18862.5  
38 of the Health and Safety Code, *and* parking facilities for  
39 recreational vehicles, ~~and any associated access and public safety  
40 facilities,~~ *vehicles* within the units of the state park system, if the

1 installation and operation is consistent with the classification of  
2 the park system unit and with the general plan of the unit, if one  
3 exists.

4 (b) The department may enter into agreements with qualified  
5 nonprofit organizations, as defined in subdivision (g) Section  
6 5080.42, for acquisition, installation, and operation of camping  
7 cabins or parking facilities for recreational ~~vehicles, and any~~  
8 ~~associated access and public safety facilities,~~ *vehicles* as described  
9 in subdivision (a), within units of the state park system. The  
10 agreements shall be subject to the requirements of Section 5080.42.

11 SEC. 3. Section 5005 of the Public Resources Code is amended  
12 to read:

13 5005. (a) The department may receive and accept in the name  
14 of the people of the state any gift, dedication, devise, grant, or  
15 other conveyance of title to or any interest in real property,  
16 including water rights, roads, trails, rights-of-way, buildings,  
17 facilities, and other improvements, to be added to or used in  
18 connection with the state park system. It may receive and accept  
19 gifts, donations, contributions, or bequests of money to be used in  
20 acquiring title to or any interest in real property, or in improving  
21 it as a part of or in connection with the state park system, or to be  
22 used for any of the purposes for which the department is created.  
23 It may also receive and accept personal property for any purpose  
24 connected with the park system.

25 (b) Subdivision (a) is subject to the requirements and exceptions  
26 set forth in Section 11005 of the Government Code, except that  
27 conditional gifts or bequests of money valued at one hundred  
28 thousand dollars (\$100,000) or less, shall not require the approval  
29 of the Director of Finance.

30 (c) The department shall annually report to the Department of  
31 Finance all conditional gifts or bequests of money valued at one  
32 hundred thousand dollars (\$100,000) or less that it accepts and  
33 receives pursuant to subdivision (b).

34 SEC. 4. Section 5009.1 of the Public Resources Code is  
35 amended to read:

36 5009.1. (a) The department may enter into an agreement to  
37 accept funds from any person, educational institution, tribal  
38 government, corporation or other business entity, or organization  
39 for the maintenance, operation, restoration, repair, or enhancement  
40 of a designated state park system unit or facility, or for research,

1 educational, interpretive, recreational, or visitor services provided  
2 on or for a designated state park system unit or facility. Any funds  
3 so received shall be deposited in a separate account in the State  
4 Park Contingent Fund. The funds received shall supplement, but  
5 not replace, existing resources for the maintenance, operation,  
6 restoration, repair, or enhancement of the unit or facility, or for  
7 establishing or enhancing park services provided to visitors. The  
8 department and the sponsoring or donating person, entity,  
9 government, or organization shall specify in the agreement the  
10 level of service that is to be performed.

11 (b) The department may enter into an agreement to accept from  
12 any person, educational institution, tribal government, corporation  
13 or other business entity, or organization services for the cleanup,  
14 repair, restoration, or enhancement of any designated state park  
15 system unit or facility, or for research, educational, interpretive,  
16 recreational, or visitor services provided on or for a state park  
17 system unit or facility. Under the direction of the department, these  
18 services shall supplement, but not replace, existing staff resources  
19 for the purpose of enhancing the maintenance and operation of the  
20 unit or facility or for establishing or enhancing park services  
21 provided to visitors.

22 (c) The director may authorize the erection of an appropriate  
23 sign in recognition of a donation or sponsorship provided in  
24 accordance with this section, consistent with existing law and with  
25 the rules and regulations of the department regarding signs in units  
26 of the state park system.

27 (d) The department may provide free or reduced cost access to,  
28 and use of, park facilities to entities that have entered into  
29 agreements as described in this section, if the public benefit to be  
30 provided pursuant to the agreement exceeds or is of comparable  
31 value, as determined by the department, to the access to or use of  
32 park facilities granted.

33 SEC. 5. Section 5009.2 of the Public Resources Code is  
34 amended to read:

35 5009.2. (a) The department may enter into an agreement to  
36 accept funds from any person, business entity, educational  
37 institution, tribal government, or organization for the maintenance,  
38 operation, restoration, repair, or enhancement of a state beach, any  
39 other unit of the state park system that encompasses a beach, or  
40 any area or facility of the state beach or other unit, or for research,

1 educational, interpretive, recreational, or visitor services provided  
2 on or for a state beach, any other unit of the state park system that  
3 encompasses a beach, or any area or facility of the state beach or  
4 other unit. Any funds so received shall be deposited in a separate  
5 account in the State Park Contingent Fund. The funds received  
6 shall supplement, but not replace, existing resources for the  
7 purposes of enhancing the maintenance, operation, restoration,  
8 repair, or enhancement of the state beach, other unit of the state  
9 park system that encompasses a beach, or area or facility of the  
10 state beach or other unit, or for establishing or enhancing beach  
11 services provided to visitors. The department and the sponsoring  
12 or donating person, business entity, government, or organization  
13 may specify in the agreement the level of maintenance, operation,  
14 restoration, repair, or enhancement that will be performed.

15 (b) The department may also enter into an agreement to accept  
16 from any person, educational institution, tribal government,  
17 business entity, or organization services for the operation,  
18 restoration, repair, maintenance, or enhancement of a state beach,  
19 other unit of the state park system that encompasses a beach, or  
20 area or facility of the state beach or other unit, or for research  
21 educational, interpretive, recreational, or visitor services provided  
22 on or for a state beach, other unit of the state park system that  
23 encompasses a beach, or area or facility of the state beach or other  
24 unit. Under the direction of the department, those services shall  
25 supplement, but not replace, existing staff resources for the  
26 purposes of operation, restoration, repair, maintenance, or  
27 enhancement of the state beach, other unit of the state park system  
28 that encompasses a beach, or area or facility of the state beach or  
29 other unit.

30 (c) The director may authorize the erection of an appropriate  
31 sign in recognition of a donation or sponsorship provided in  
32 accordance with this section, in accordance with department rules  
33 and regulations regarding signs in the state park system.

34 (d) The department may provide free or reduced cost access to,  
35 and use of, beach facilities to entities that have entered into  
36 agreements as described in this section, if the public benefit to be  
37 provided pursuant to the agreement exceeds or is of comparable  
38 value, as determined by the department, to the access to or use of  
39 beach facilities granted.



1 (e) The activities authorized by this section shall be implemented  
2 as part of the department's Adopt-A-Beach program.

3 SEC. 6. Section 5010.3 is added to the Public Resources Code,  
4 to read:

5 5010.3. (a) The department shall develop a statewide policy  
6 for assessment of fees pursuant to Section 5010 that balances the  
7 state's goal of sustainable revenue generation to support state  
8 parks, with the state's goal of preserving affordable public access  
9 to public lands, including, but not limited to, lands in the coastal  
10 zone. The fee policy shall, at a minimum, do all of the following:

11 (1) To the extent feasible, ensure that fees do not serve as a  
12 deterrent to equitable public access and are comparable to fees  
13 charged for other similar services.

14 (2) Reflect the appropriate role of user fees as part of an overall,  
15 equitable, and sustainable revenue generation strategy that includes  
16 a proper balance of public funding and earned revenue to support  
17 state parks.

18 (3) Be based on uniform principles that reflect the different  
19 levels of services provided at different parks, the department's  
20 goals for service-based budgeting, and the best practices for pricing  
21 that align policy goals with visitor expectations. To the extent  
22 feasible, fees should be commensurate with the benefits and  
23 services provided to visitors.

24 (4) Describe the process for setting and approving all  
25 fee-schedule changes.

26 (5) Provide for public accountability and transparency, and  
27 advance public notice for proposed changes to fee schedules.

28 (b) The department may consult with the National Park Service  
29 for guidance in developing a statewide fee policy.

30 (c) The department shall conduct public workshops on  
31 development of the statewide fee policy and may seek assistance  
32 with scheduling and conducting of the workshops from the State  
33 Park and Recreation Commission.

34 (d) (1) The department shall report to the Legislature on the  
35 statewide fee policy on or before December 31, 2016.

36 (2) The report required pursuant to paragraph (1) shall be  
37 submitted in compliance with Section 9795 of the Government  
38 Code.

39 (3) This subdivision shall be inoperative on December 31, 2020,  
40 pursuant to Section 10231.5 of the Government Code.

1 (e) The department shall make its fee schedule publicly available  
2 on the department’s Internet Web site and immediately update the  
3 fee schedule to reflect any fee-rate changes.

4 (f) It is the intent of the Legislature that the department, in  
5 addition to developing a statewide fee policy, provide convenient  
6 and cost effective options for fee payment and collection by  
7 expanding and integrating fee collection methodologies across the  
8 state park system and offering modern fee collection and payment  
9 options that include, but are not necessarily limited to, cash, credit  
10 card, and smart phone technology, if appropriate.

11 (g) The department may also implement additional options,  
12 including hourly fees, regional passes, and promotional free-day  
13 annual events, and explore opportunities for collaborative fee  
14 arrangements and passes with other federal, state, and local park  
15 agencies, if appropriate.

16 SEC. 7. Section 5010.7 of the Public Resources Code is  
17 amended to read:

18 5010.7. (a) The department shall develop a revenue generation  
19 program as an essential component of a long-term sustainable park  
20 funding strategy. On or before July 1, 2014, and annually thereafter,  
21 the department shall assign a revenue generation target to each  
22 district under the control of the department. The department shall  
23 develop guidelines for districts to report the use of funds generated  
24 by the revenue generation program, and shall post information and  
25 copies of the reports on its Internet Web site.

26 (b) The California State Park Enterprise Fund is hereby created  
27 in the State Treasury as a working capital fund, and the revenue  
28 shall be available to the department upon appropriation by the  
29 Legislature for capital outlay or support expenditures for revenue  
30 generating investments in state parks. These investments may  
31 include, but are not limited to, planning and implementation of a  
32 statewide electronic fee collection system that includes installation  
33 of modern fee collection equipment and technologies to enhance  
34 collection of state park users fees and that will enable park users  
35 to pay fees with commonly used forms of electronic fund transfers,  
36 including, but not limited to, credit and debit card transactions,  
37 and other park revenue generating projects, and shall be available  
38 for encumbrance and expenditure until June 30, 2019, and for  
39 liquidation until June 30, 2021.

1 (1) The department shall prepare guidelines for districts to apply  
2 for funds for capital projects that are consistent with this  
3 subdivision.

4 (2) The guidelines prepared pursuant to this subdivision shall  
5 require all of the following:

6 (A) A clear description of the proposed use of funds.

7 (B) A timeframe of implementation of the capital project.

8 (C) A projection of revenue, including annual income, fees, and  
9 projected usage rates.

10 (D) A projection of costs, including design, planning,  
11 construction, operation, staff, maintenance, marketing, and  
12 information technology.

13 (E) A market analysis demonstrating demand for the project.

14 (F) A projected rate of return on the investment.

15 (c) The revenue generated by the revenue generation program  
16 developed pursuant to subdivision (a) shall be deposited into the  
17 State Parks and Recreation Fund. Revenue identified as being in  
18 excess of the revenue targets shall be transferred to the State Parks  
19 Revenue Incentive Subaccount, established pursuant to Section  
20 5010.6, on or before June 1, annually.

21 (d) Moneys transferred to the State Parks Revenue Incentive  
22 Subaccount pursuant to subdivision (c) shall be expended as  
23 follows:

24 (1) (A) The department shall allocate 50 percent of the total  
25 amount of revenues deposited into the State Parks Revenue  
26 Incentive Subaccount pursuant to subdivision (c), generated by a  
27 park district to that district if the amount of revenues generated  
28 exceeds the targeted revenue amount prescribed in the revenue  
29 generation program. The revenues to be allocated to a park district  
30 that fails to achieve the revenue target shall remain in the  
31 subaccount.

32 (B) With the approval of the director, each district shall use the  
33 funds it receives pursuant to this section to improve the parks in  
34 that district through revenue generation programs and projects and  
35 other activities that will assist in the district's revenue generation  
36 activities, and the programs, projects, and other activities shall be  
37 consistent with the mission and purpose of each unit and with the  
38 plan developed for the unit pursuant to subdivision (a) of Section  
39 5002.2.

1 (C) The department shall report to the Legislature, commencing  
2 on July 1, 2014, and annually on or before each December 31  
3 thereafter, on the revenue distributed to each district pursuant to  
4 this section.

5 (2) The department shall use 50 percent of the funds deposited  
6 into the State Parks Revenue Incentive Subaccount pursuant to  
7 subdivision (c) for the following purposes:

8 (A) To fund the capital costs of construction and installation of  
9 new revenue and fee collection equipment and technologies and  
10 other physical upgrades to existing state park system lands and  
11 facilities.

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) Pursuant to subdivision (c) of Section 5010.6, for  
20 expenditures to support revenue generation projects that include,  
21 but are not limited to, staffing kiosks, campgrounds, and parking  
22 lots.

23 (e) The funds generated by the revenue generation program  
24 shall not be used by the department to expand the park system,  
25 unless there is significant revenue generation potential from such  
26 an expansion.

27 (f) Notwithstanding Section 5009, moneys received by the  
28 department from private contributions and other public funding  
29 sources may also be deposited into the California State Park  
30 Enterprise Fund and the State Parks Revenue Incentive Subaccount  
31 for use for the purposes of subdivision (c) and subdivision (d).

32 (g) The department shall provide all relevant information on its  
33 Internet Web site concerning how funds in the State Parks and  
34 Recreation Revenue Incentive Subaccount and the California State  
35 Park Enterprise Fund are spent.

36 (h) The department may recoup its costs for implementing and  
37 administering the working capital from the fund.

38 SEC. 8. Section 5080.18 of the Public Resources Code is  
39 amended to read:

1 5080.18. All concession contracts entered into pursuant to this  
2 article shall contain, but are not limited to, all of the following  
3 provisions:

4 (a) (1) The maximum term shall be 10 years, except that a term  
5 of more than 10 years may be provided if the director determines  
6 that the longer term is necessary to allow the concessionaire to  
7 amortize improvements made by the concessionaire, to facilitate  
8 the full utilization of a structure that is scheduled by the department  
9 for replacement or redevelopment, or to serve the best interests of  
10 the state. The term shall not exceed 20 years without specific  
11 authorization by statute. Except as provided in Section 5080.16,  
12 all renewals of concession contracts pursuant to this paragraph  
13 shall be subject to competitive bidding requirements.

14 (2) The maximum term shall be 50 years if the concession  
15 contract is for the construction, development, and operation of  
16 multiple-unit lodging facilities equipped with full amenities,  
17 including plumbing and electrical, that is anticipated to exceed an  
18 initial cost of one million five hundred thousand dollars  
19 (\$1,500,000) in capital improvements in order to begin operation.  
20 The term for a concession contract described in this paragraph  
21 shall not exceed 50 years without specific authorization by statute.  
22 Except as provided in Section 5080.16, all renewals of concession  
23 contracts pursuant to this paragraph shall be subject to competitive  
24 bidding requirements.

25 (3) Notwithstanding paragraph (1), a concession agreement at  
26 Will Rogers State Beach executed prior to December 31, 1997,  
27 including, but not limited to, an agreement signed pursuant to  
28 Section 25907 of the Government Code, may be extended to exceed  
29 20 years in total length without specific authorization by statute,  
30 upon approval by the director and pursuant to a determination by  
31 the director that the longer term is necessary to allow the  
32 concessionaire to amortize improvements made by the  
33 concessionaire that are anticipated to exceed one million five  
34 hundred thousand dollars (\$1,500,000) in capital improvements.  
35 Any extensions granted pursuant to this paragraph shall not be for  
36 more than 15 years.

37 (b) Every concessionaire shall submit to the department all sales  
38 and use tax returns and, at the request of the department, provide  
39 an annual financial statement prepared or audited by a certified  
40 public accountant.

1 (c) Every concession shall be subject to audit by the department.

2 (d) A performance bond shall be obtained and maintained by  
3 the concessionaire. In lieu of a bond, the concessionaire may  
4 substitute a deposit of funds acceptable to the department. Interest  
5 on the deposit shall accrue to the concessionaire.

6 (e) The concessionaire shall obtain and maintain in force at all  
7 times a policy of liability insurance in an amount adequate for the  
8 nature and extent of public usage of the concession and naming  
9 the state as an additional insured.

10 (f) Any discrimination by the concessionaire or his or her agents  
11 or employees against any person because of the marital status or  
12 ancestry of that person or any characteristic listed or defined in  
13 Section 11135 of the Government Code is prohibited.

14 (g) To be effective, any modification of the concession contract  
15 shall be evidenced in writing.

16 (h) Whenever a concession contract is terminated for substantial  
17 breach, there shall be no obligation on the part of the state to  
18 purchase any improvements made by the concessionaire.

19 SEC. 9. Section 5080.20 of the Public Resources Code is  
20 amended to read:

21 5080.20. A contract, including a contract entered into on lands  
22 operated pursuant to an agreement entered into under Article 2  
23 (commencing with Section 5080.30), that is expected to involve  
24 a total investment or estimated annual gross sales in excess of one  
25 million dollars (\$1,000,000), shall not be advertised for bid,  
26 negotiated, renegotiated, or amended in any material respect unless  
27 and until all of the following requirements have been complied  
28 with:

29 (a) The commission has reviewed the proposed services,  
30 facilities, and location of the concession and determined that they  
31 meet the requirements of Sections 5001.9 and 5080.03 and are  
32 compatible with the classification of the unit in which the  
33 concession will be operated.

34 ~~(b) The Legislature has reviewed and approved the proposed~~  
35 ~~concession as part of the annual budget process or the requirements~~  
36 ~~of subdivision (c) have been complied with. A proposed concession~~  
37 ~~shall not be submitted for review by the Legislature until the~~  
38 ~~commission has made its determination pursuant to subdivision~~  
39 ~~(a), unless deferring review by the Legislature would be adverse~~

1 to the interests of the public, in which case the Legislature's review  
2 may precede the commission's determination.

3 ~~(e) Following enactment of the Budget Bill, the board has~~  
4 ~~determined that the proposed concession could not have been~~  
5 ~~presented to the Legislature for review and approval in the course~~  
6 ~~of its consideration of the Budget Bill, or the proposed concession~~  
7 ~~was reviewed and approved but it is necessary to revise the terms~~  
8 ~~of the invitation to bid or the contract in a material respect, and~~  
9 ~~that it would be adverse to the interests of the public to defer that~~  
10 ~~review and approval to a time when the Legislature next considers~~  
11 ~~a Budget Bill. Upon making that determination, the board may~~  
12 ~~review and approve the proposed concession, or any revision~~  
13 ~~thereof, after giving at least 20 days' written notice to the Chair~~  
14 ~~of the Joint Legislative Budget Committee and to the chair of the~~  
15 ~~fiscal and appropriate policy committees of its intended action.~~  
16 ~~All actions taken by the board pursuant to this subdivision shall~~  
17 ~~be reported to the Legislature in the next Governor's Budget.~~

18 ~~(d)~~

19 *(b) At least 30 days advance written notice of the proposed*  
20 *concession has been provided by the director to the appropriate*  
21 *policy and fiscal committees of the Legislature and the Joint*  
22 *Legislative Budget Committee.*

23 *(c) The proposed concession is accompanied with documentation*  
24 *sufficient to enable the Legislature, the commission, and the board,*  
25 *as the case may be, the commission and the Joint Legislative*  
26 *Budget Committee to ascertain whether the concession will conform*  
27 *to the requirements of this article and, as to the Legislature and*  
28 *the board, and to evaluate fully all terms on which the concession*  
29 *is proposed to be let, including the rent and other returns anticipated*  
30 *to be received.*