

ASSEMBLY BILL

No. 1579

Introduced by Assembly Member Travis Allen

January 5, 2016

An act to amend Section 5080.40 of the Public Resources Code, relating to parks and monuments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1579, as introduced, Travis Allen. Parks and monuments: operating leases or agreements.

Existing law authorizes the Department of Parks and Recreation to enter into agreements with an agency of the United States, a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system. Existing law prohibits the department from entering into an operating lease or agreement, or amendment, unless one of 2 conditions are met including if, following enactment of the annual Budget Act, the State Public Works Board determines, among other things, that the proposed lease or agreement, or amendment, could not have been presented to the Legislature for review during the annual budget process, as provided. In those circumstances existing law authorizes the board to review and approve the proposed lease or agreement, or amendment, no earlier than 20 days after it has provided written notification to the chairpersons of certain legislative committees, as provided.

This bill would instead authorize the board to review and approve a proposed lease or agreement, or amendment, no earlier than 30 days

after it has provided written notification to the chairpersons of those legislative committees, as provided.

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 5080.40 of the Public Resources Code
2 is amended to read:

3 5080.40. (a) ~~No~~*An* operating lease or agreement shall *not* be
4 entered into, or amended, pursuant to this article unless one of the
5 following ~~has occurred~~: *occurs*:

6 (1) The Legislature ~~has reviewed~~ *reviews* the lease or agreement,
7 or amendment, as part of the annual budget ~~process or the~~
8 ~~requirements of paragraph (2) have been met~~: *process*.

9 (2) Following enactment of the annual Budget Act, the State
10 Public Works Board determines that the proposed lease or
11 ~~agreement or amendment~~ *agreement, or amendment*, could not
12 have been presented to the Legislature for review during the annual
13 budget process, or that the proposed lease or ~~agreement or~~
14 ~~amendment~~ *agreement, or amendment*, was reviewed during the
15 annual budget process but it is necessary to revise the terms of the
16 lease or ~~agreement or amendment~~ *agreement, or amendment*, in a
17 material respect, and the State Public Works Board determines
18 that it is adverse to the interests of the public to defer that review
19 to the next annual budget process. Upon making its determination,
20 the State Public Works Board may review and approve the
21 proposed lease or ~~agreement~~ *agreement*, or amendment, or any
22 revision thereof, ~~not sooner~~ *no earlier* than ~~20~~ 30 days after the
23 ~~board has provided~~ *providing* written notification to the
24 Chairperson of the Joint Legislative Budget Committee, the
25 Chairperson of the Assembly ~~Ways and Means Committee,~~
26 ~~Committee on Appropriations,~~ and the Chairperson of the Senate
27 ~~Budget and Fiscal Review Committee on Budget and Fiscal Review~~
28 of the intended action. ~~All actions~~ *An action* taken by the State
29 Public Works Board pursuant to this paragraph shall be reported
30 to the Legislature in the next Governor's Budget.

31 (b) The department shall include with the proposed lease or
32 ~~agreement or amendment~~ *agreement, or amendment*, sufficient
33 documentation to enable the Legislature or the State Public Works

1 Board, as the case may be, to evaluate fully the estimated operating
2 costs and revenues and all terms upon which the lease or ~~agreement~~
3 ~~or amendment~~ *agreement, or amendment*, is proposed to be entered
4 into. Specifically, the documentation shall identify both of the
5 following:

6 (1) Any anticipated costs to the state for operation or
7 development under the lease or ~~agreement or amendment~~
8 *agreement, or amendment*, and the anticipated state share of total
9 operation and development costs.

10 (2) The anticipated annual revenues, net of operation costs, for
11 the unit and the state's share of these revenues.

12 (c) Leases or agreements shall be exempt from subdivisions (a)
13 and (b) when all of the following conditions exist:

14 (1) The lease or agreement involves operation of only a portion
15 of a unit of the state park system.

16 (2) The term of the lease or agreement is for a period of 20 years
17 or less.

18 (3) The lease's or agreement's impact to the unit, including
19 concessions revenue, will not exceed five hundred thousand dollars
20 (\$500,000) in annual gross revenue generated on the property.

21 (4) The lease or agreement ~~involves no~~ *does not involve* a
22 significant change in state operational funding or staffing levels,
23 and does not include present or future state expenditures for
24 development of the unit.

25 (d) ~~Amendments~~ *An amendment to an existing lease or*
26 ~~agreements~~ *agreement* shall be exempt from subdivisions (a) and
27 (b) when all of the following conditions exist:

28 (1) The amendment involves operation of only a portion of a
29 unit of the state park system.

30 (2) The amendment's impact to the unit will not exceed five
31 hundred thousand dollars (\$500,000) in annual gross revenue
32 generated on the property.

33 (3) The amendment ~~involves no~~ *does not involve* a significant
34 change in state operational funding or staffing levels, and does not
35 include present or future state expenditures for development of
36 the unit.