

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2909

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Dababneh, Dodd, Cristina Garcia, Lopez, Medina, Salas, and Williams)

March 9, 2016

An act to amend ~~Section~~ *Sections 5009.1 and 5010.6* of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 2909, as amended, Committee on Water, Parks, and Wildlife. ~~State Parks Revenue Incentive Subaccount.~~ *parks: funding.*

Existing law authorizes the Department of Parks and Recreation to enter into an agreement to accept funds from any person, educational institution, tribal government, corporation, or other business entity or organization for the maintenance, operation, restoration, repair, development, improvement, 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, and requires that any funds so received be deposited in a separate account in the State Park Contingent Fund.

This bill would require the department, for each donation received pursuant to those provisions, to provide the donor of record a written quarterly accounting of all expenditures made from the donated funds, as specified.

Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously appropriates funds in the subaccount to the ~~Department of Parks and Recreation~~

department for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires that activities, programs, and projects funded by the subaccount include among, other things, a projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

This bill would require a projection of costs to include that information only if appropriate.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 *SECTION 1. Section 5009.1 of the Public Resources Code is*
2 *amended to read:*

3 5009.1. (a) (1) The department may enter into an agreement
4 to accept funds from any person, educational institution, tribal
5 government, corporation or other business entity, or organization
6 for the maintenance, operation, restoration, repair, development,
7 improvement, or enhancement of a designated state park system
8 unit or facility, or for research, educational, interpretive,
9 recreational, or visitor services provided on or for a designated
10 state park system unit or facility. Any funds so received shall be
11 deposited in a separate account in the State Park Contingent Fund.
12 The funds received shall supplement, but not replace, existing
13 resources for the maintenance, operation, restoration, repair,
14 development, improvement, or enhancement of the unit or facility,
15 or for establishing or enhancing park services provided to visitors.
16 The department and the sponsoring or donating person, entity,
17 government, or organization shall specify in the agreement the
18 level of service that is to be performed.

19 (2) *For each donation received and deposited into a separate*
20 *account in the State Park Contingent Fund pursuant to paragraph*
21 *(1), the department shall provide the donor of record a written*
22 *quarterly accounting of all expenditures made from the donated*
23 *funds until all of the funds donated and deposited into that account*
24 *have been expended.*

25 (b) The department may enter into an agreement to accept from
26 any person, educational institution, tribal government, corporation

1 or other business entity, or organization services for the cleanup,
2 repair, development, improvement, restoration, or enhancement
3 of any designated state park system unit or facility, or for research,
4 educational, interpretive, recreational, or visitor services provided
5 on or for a state park system unit or facility. Under the direction
6 of the department, these services shall supplement, but not replace,
7 existing staff resources for the purpose of enhancing the
8 maintenance and operation of the unit or facility or for establishing
9 or enhancing park services provided to visitors.

10 (c) The director may authorize the erection of an appropriate
11 sign in recognition of a donation or sponsorship provided in
12 accordance with this section, consistent with existing law and with
13 the rules and regulations of the department regarding signs in units
14 of the state park system.

15 (d) The department may provide free or reduced-cost access to,
16 and use of, park facilities to entities that have entered into
17 agreements as described in this section, if the public benefit to be
18 provided pursuant to the agreement exceeds or is of comparable
19 value, as determined by the department, to the access to or use of
20 park facilities granted.

21 **SECTION 1.**

22 *SEC. 2.* Section 5010.6 of the Public Resources Code is
23 amended to read:

24 5010.6. (a) For purposes of this section, “subaccount” means
25 the State Parks Revenue Incentive Subaccount created pursuant
26 to this section.

27 (b) The State Parks Revenue Incentive Subaccount is hereby
28 created within the State Parks and Recreation Fund and the
29 Controller shall annually transfer four million three hundred forty
30 thousand dollars (\$4,340,000) from the State Parks and Recreation
31 Fund to the subaccount.

32 (c) Notwithstanding Section 13340 of the Government Code,
33 the funds in the subaccount are hereby continuously appropriated
34 to the department for activities, programs, and projects, including,
35 but not limited to, capital outlay projects, that are consistent with
36 the mission of the department and that increase the department’s
37 capacity to generate revenue and to implement the revenue
38 generation program developed pursuant to Section 5010.7.
39 Expenditures from the subaccount may include expenditures for
40 staffing entry points, including department employees, seasonal

1 employees, state and local conservation corps, individuals qualified
2 pursuant to Chapter 0908 of the Department Operations Manual,
3 and employees of organizations with agreements with state parks
4 pursuant to Sections 513, 5009.1, 5009.3, and 5080. Activities,
5 programs, and projects funded by the subaccount shall each include
6 all of the following:

7 (1) A clear description of the proposed use of funds.

8 (2) A timeframe for implementation of the activity, program,
9 or project.

10 (3) A projection of revenues, including annual income, fees,
11 and projected usage rates.

12 (4) A projection of costs, including, if appropriate, design,
13 planning, construction, operation, staff, maintenance, marketing,
14 and information technology.

15 (5) A market analysis demonstrating demand for the activity,
16 project, or program.

17 (6) A projected rate of return on the investment.

18 (d) The Office of State Audits and Evaluations shall review the
19 activities, programs, and projects funded from the subaccount
20 pursuant to subdivision (c) to ensure appropriate internal controls
21 are in place. The department shall reimburse the Office of State
22 Audits and Evaluations from the subaccount for any costs related
23 to the review.

24 (e) The revenue generated from activities, programs, and projects
25 funded by the subaccount are continuously appropriated for
26 expenditure by the department pursuant to subdivisions (c) and
27 (d) of Section 5010.7.

28 (f) The funds in the subaccount shall be available for
29 encumbrance and expenditure until June 30, 2019, and for
30 liquidation until June 30, 2021.

31 (g) This section shall become inoperative on June 30, 2021,
32 and, as of January 1, 2022, is repealed, unless a later enacted
33 statute, that becomes operative on or before January 1, 2022,
34 deletes or extends the dates on which it becomes inoperative and
35 is repealed.