

Introduced by Senator Pavley

February 11, 2015

An act to amend Section 5080.16 of, and to add and repeal Section 5003.9 of, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as introduced, Pavley. State parks.

(1) Existing law establishes the Department of Parks and Recreation and vests the department with the control of the state park system.

This bill would require the Department of Parks and Recreation, on or before July 1, 2016, to prepare a report to the Legislature that fully addresses the department's energy costs, projects that could reduce those costs, and potential energy-related infrastructure projects, as specified.

(2) Existing law authorizes the Director of Parks and Recreation to negotiate or renegotiate a concession contract if specified conditions exist.

This bill would additionally authorize the director to negotiate or renegotiate a concession contract if the services provided pursuant to the contract will have minimal impact on state park resources, are inherently mobile or transitory in nature, and do not occupy a state-owned structure.

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 5003.9 is added to the Public Resources
2 Code, to read:

1 5003.9. (a) The Legislature finds and declares that the
2 department should identify its energy costs, projects that could
3 reduce those costs, and potential energy-related infrastructure
4 projects that may be eligible for funding from revenues that may
5 be generated pursuant to a market-based compliance mechanism
6 that may be adopted by the State Air Resources Board pursuant
7 to Part 5 (commencing with Section 38570) of Division 25.5 of
8 the Health and Safety Code.

9 (b) (1) On or before July 1, 2016, the department shall prepare
10 a report to the Legislature that fully addresses the matter described
11 in subdivision (a).

12 (2) The report required pursuant to paragraph (1) shall be
13 submitted in compliance with Section 9795 of the Government
14 Code.

15 (c) Pursuant to Section 10231.5 of the Government Code, this
16 section is repealed on January 1, 2021.

17 SEC. 2. Section 5080.16 of the Public Resources Code is
18 amended to read:

19 5080.16. If the director determines that it is ~~for~~ *in* the best
20 interests of the state, the director, upon giving notice to the State
21 Park and Recreation Commission, may negotiate or renegotiate a
22 contract, including terms and conditions, when one or more of the
23 following conditions exist:

24 (a) The bid process as prescribed in this article has failed to
25 produce a best responsible bidder.

26 (b) The negotiation or renegotiation would constitute an
27 extension of an existing contract obtained through the process
28 required by this article and the extended contract would provide
29 for substantial and additional concession facilities, which would
30 be constructed at the sole expense of the concessionaire and which
31 are set forth in the general plan for the unit and are needed to
32 accommodate existing or projected increased public usage.

33 (c) Lands in the state park system administered by the
34 department and lands under the legal control of the prospective
35 concessionaire are so situated that the concession is dependent
36 upon the use of those public and private lands for the physical or
37 economic success, or both, of the concession.

38 (d) Whenever a concession is desired for particular interpretive
39 purposes in a unit of the state park system and the prospective

1 concessionaire possesses special knowledge, experience, skills, or
2 ability appropriate to the particular interpretive purposes.

3 (e) Whenever the concession has been severely and adversely
4 impacted through no fault of the concessionaire by an unanticipated
5 calamity, park closure, major construction, or other harmful event
6 or action.

7 (f) Whenever the estimated administrative costs for the bid
8 process exceed the projected annual net rental revenue to the state.

9 (g) *The services provided pursuant to the contract will have*
10 *minimal impacts on state park resources, are inherently mobile*
11 *or transitory in nature, and do not occupy a state-owned structure.*
12 *Those services may include, but are not limited to, mobile food*
13 *and beverage services.*