

**ASSEMBLY BILL**

**No. 2631**

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**Introduced by Assembly Member Matthews**

February 22, 2002

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An act to amend Section 10359 of the Public Contract Code, and to amend Sections 4612, 5001.6, 5005.6, 14316, and 14403 of, and to repeal Sections 5056, 5080.55, 5825, and 14314 of, the Public Resources Code, relating to resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2631, as introduced, Matthews. Resources.

(1) Existing law requires each state agency to prepare an annual report containing information regarding consulting service contracts entered into during the previous fiscal year. Existing law requires state agencies to submit the report to specified entities within 30 working days after the end of the previous fiscal year. Existing law further requires the Department of General Services, 60 days after the close of the fiscal year, to furnish to those entities a list of the agencies that have not submitted the required report.

This bill would require state agencies to submit the report within 90 working days after the end of the previous fiscal year and would require the Department of General Services to furnish a list of the agencies that have not submitted the required report 180 working days after the close of the fiscal year.

(2) Existing law requires the Director of Forestry and Fire Protection to report to the State Board of Forestry and Fire Protection and the Legislature by January 1 of each year regarding the enforcement of, and the penalties and fines collected pursuant to, various statutes.

This bill would require the report by March 1 of each year.

(3) Existing law provides for the establishment of state seashores within the state park system. Existing law requires the Department of Parks and Recreation to recommend to the Governor and the Legislature for inclusion in the annual Budget Bill land acquisitions for the establishment of additional state seashores or as additions to existing state seashores.

This bill would repeal the latter requirement.

(4) Existing law grants the Department of Parks and Recreation exclusive jurisdiction with respect to property salvage and recovery operations in and upon lands of the state park system. Existing law requires the department to file an annual report with the Legislature, as prescribed, on any operations that have been undertaken during the previous year, the results of such operations, the permits that are pending and under consideration, and the extent of the public interest in those operations.

This bill would delete the latter requirement.

(5) Existing law authorizes the Department of Parks and Recreation to provide hostel facilities in state park system units, as specified, and to acquire land for, develop, and maintain recreational trails to and between units.

Existing law required the Department of Parks and Recreation to submit to the Legislature by February 1, 1975, a preliminary plan for the development of hostel facilities and the establishment of recreational trails. Existing law authorizes the Legislature to comment on the submitted plan by concurrent resolution.

This bill would delete the latter provisions.

(6) Existing law authorizes the Director of Parks and Recreation to contract for the construction for the preservation and restoration of the Leland Stanford Mansion State Historical Park and related facilities using a design-build process and requires the director to submit a related report to the Joint Legislative Budget Committee, as specified.

This bill would delete the latter requirement.

(7) Existing law requires the Department of Parks and Recreation to submit a plan to the Legislature by January 15, 1977, for the protection and management of the Mendocino Woodlands Outdoor Center.

This bill would delete that obsolete provision.

(8) Existing law requires that on and after July 1, 1994, the California Conservation Corps be designated a performance budget department, as specified. Existing law additionally contains a request



by the Legislature that the Governor issue an Executive Order establishing performance goals for the corps, as specified.

This bill would delete those provisions.

(9) Existing law establishes the Collins-Dugan California Conservation Corps Fund and authorizes the Department of Finance to loan money to the fund, as specified.

This bill would make a technical nonsubstantive change to those provisions.

(10) Existing law requires the California Conservation Corps to cooperate with, and seek the cooperation of the Private Industry Council of the local service delivery area, as specified, to secure employment and training services for corpsmembers. Existing law authorizes those employment and training services to include those provided under the federal Job Training Partnership Act.

This bill would instead require the California Conservation Corps to cooperate with, and seek the cooperation of, state and local workforce investment boards and youth councils designated pursuant to the federal Workforce Investment Act.

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 10359 of the Public Contract Code is  
2 amended to read:

3 10359. (a) Each state agency shall annually prepare a report  
4 pursuant to this section that includes a list of the consulting  
5 services contracts ~~into which~~ *that* it has entered during the  
6 previous fiscal year. The listing shall include the following  
7 information:

8 (1) The name and identification of each contractor.

9 (2) The type of bidding entered into, the number of bidders,  
10 whether the low bidder was accepted, and if the low bidder was not  
11 accepted, an explanation of why another contractor was selected.

12 (3) The amount of the contract price.

13 (4) Whether the contract was a sole-source contract, and why  
14 the contract was a sole-source contract.

15 (5) The purpose of the contract and the potential beneficiaries.

16 (6) The date ~~on which~~ *when* the initial contract was signed, *and*  
17 the date ~~on which~~ *when* the work began and was completed.



1 The report shall also include a separate listing of consultant  
2 contracts completed during that fiscal year, with the same  
3 information as above.

4 (b) The report this section requires shall also include a list of  
5 any contracts underway during that fiscal year on which any  
6 change was made regarding the following:

7 (1) The completion date of the contract.  
8 (2) The amount of money to be received by the contractor, if it  
9 exceeds 3 percent of the original contract price.

10 (3) The purpose of the contract or duties of the contractor. A  
11 brief explanation shall be given if the change in purpose is  
12 significant.

13 (c) Copies of the annual report shall be sent within ~~30~~ 90  
14 working days after the end of the previous fiscal year to the  
15 Legislative Analyst, the Department of Finance, the Department  
16 of General Services, the Auditor General, the Joint Legislative  
17 Budget Committee, the Senate Appropriations Committee, and  
18 the Assembly ~~Ways and Means~~ *Appropriations* Committee.

19 (d) State agencies ~~shall~~ *may* not use the temporary budget  
20 allocation process as a means of circumventing the requirements  
21 of this section.

22 (e) ~~Sixty~~ *One hundred and eighty* working days after the close  
23 of the fiscal year, the department shall furnish to the officials and  
24 committees listed in subdivision (c), a list of the departments and  
25 agencies that have not submitted the required report specified in  
26 this section.

27 SEC. 2. Section 4612 of the Public Resources Code is  
28 amended to read:

29 4612. ~~Notwithstanding Section 7550.5 of the Government~~  
30 ~~Code, the~~ *The* director shall report to the board and the Legislature  
31 by ~~January~~ *March* 1 of each year on the enforcement of, and the  
32 amount of penalties and fines imposed and collected pursuant to,  
33 this article, including, but not limited to, those penalties and fines  
34 imposed and collected pursuant to Sections 4601, 4601.1, and  
35 4601.5. The report shall specifically identify the location and  
36 ownership of all properties where persons were cited for violations  
37 requiring corrective action by the department pursuant to Section  
38 4607, the nature and cost of the corrective actions, and whether all  
39 related expenses incurred by the state have been reimbursed by the  
40 responsible party.



1 SEC. 3. Section 5001.6 of the Public Resources Code is  
2 amended to read:

3 5001.6. (a) Notwithstanding Section 5001.95, units of the  
4 state park system may be located within, and be a part of, a state  
5 seashore. However, ~~any such~~ *the* unit shall be managed in  
6 accordance with its classification as provided in Section 5019.62.

7 (b) The following state seashores are hereby established  
8 consisting of appropriate coastal lands described in this  
9 subdivision together with any other lands that may, from time to  
10 time, be acquired by the state as an addition to these state  
11 seashores:

12 (1) Del Norte State Seashore, consisting of lands lying between  
13 Pyramid Point and Point Saint George, particularly lands to assure  
14 public access to, and scenic protection of, Pyramid Point; beach  
15 and dune lands, water-bottom and shoreline lands at Lake Earl,  
16 including Lake Talawa, all within Del Norte County.

17 (2) Clem Miller State Seashore, consisting of lands extending  
18 from the mouth of the Eel River to Pudding Creek at Fort Bragg,  
19 and including lands at Bear Harbor, Usal Creek, Cottoneva Creek,  
20 shore and upland additions to Westport-Union Landing State  
21 Beach, DeHaven Creek uplands, Ten Mile River estuary, and  
22 MacKerricher State Park, all within Humboldt and Mendocino  
23 Counties.

24 (3) Mendocino Coast State Seashore, consisting of lands  
25 extending from Jughandle Creek to the Gualala River, and  
26 including the Pygmy Forest Ecological Staircase, Russian Gulch  
27 State Park, Mendocino Headlands State Park, Van Damme State  
28 Park, Greenwood Creek Beach, Bowling Ball Beach and the  
29 Gualala River shoreline and estuary, all within Mendocino  
30 County.

31 (4) Sonoma Coast State Seashore, consisting of lands  
32 extending from the Gualala River to Bodega Head, and including  
33 the Kruse Rhododendron State Reserve, Salt Point State Park, Fort  
34 Ross State Historic Park, and Sonoma Coast State Beach, all  
35 within Sonoma County.

36 (5) Año Nuevo State Seashore, consisting of lands extending  
37 from Pillar Point to the City of Santa Cruz, and including the San  
38 Mateo Coast State Beaches, Año Nuevo State Reserve, Big Basin  
39 Redwoods State Park, and Natural Bridges State Beach, all within  
40 San Mateo and Santa Cruz Counties.



1 (6) (A) Monterey Bay State Seashore, consisting of lands  
2 extending from Natural Bridges State Beach south to Point Joe,  
3 including Lighthouse Fields, Twin Lakes, New Brighton State  
4 Beach, Seacliff, Manresa, Sunset, Zmudowski, Moss Landing,  
5 Salinas River, Marina, Monterey, and Asilomar, all within Santa  
6 Cruz and Monterey Counties.

7 (B) The department may establish a recreational trail system  
8 within the boundaries of the Monterey Bay State Seashore ~~which~~  
9 *that* is to be dedicated as the Sam Farr Recreational Trail System.

10 (7) San Luis Obispo State Seashore, consisting of lands  
11 extending from Cayucos to Lion’s Head and including Cayucos  
12 State Beach, Morro Strand State Beach, Atascadero State Beach,  
13 Morro Bay State Park, Montana de Oro State Park, Avila State  
14 Beach, Pismo State Beach, Pismo Dunes State Vehicular  
15 Recreation Area and Point Sal State Beach, all within San Luis  
16 Obispo and Santa Barbara Counties.

17 (8) Santa Barbara Coast State Seashore, consisting of lands  
18 extending from Gaviota to Las Llagas Canyon, and including  
19 Gaviota State Park, Refugio State Beach, and El Capitan State  
20 Beach, all within Santa Barbara County.

21 (9) Point Mugu State Seashore, consisting of lands extending  
22 from Ormond Beach to San Nicholas Canyon, and including Mugu  
23 Lagoon, Point Mugu State Park, and Leo Carrillo State Beach, all  
24 within Ventura and Los Angeles Counties.

25 (10) Capistrano Coast State Seashore, consisting of lands  
26 extending from Newport Beach to San Mateo Point, and including  
27 Corona Del Mar State Beach, Irvine Coast, Doheny State Beach,  
28 and San Clemente State Beach, all within Orange County.

29 (11) (A) San Diego Coast State Seashore, consisting of lands  
30 extending from San Onofre State Beach to La Jolla, and including  
31 San Onofre State Beach, Carlsbad State Beach, Robert C. Frazee  
32 State Beach, South Carlsbad State Beach, Leucadia State Beach,  
33 Moonlight State Beach, San Elijo State Beach, Cardiff State  
34 Beach, Torrey Pines State Beach, and Torrey Pines State Reserve,  
35 all within San Diego County.

36 (B) That section of Carlsbad State Beach within the San Diego  
37 Coast State Seashore which is located north of Agua-Hedionda  
38 Lagoon is hereby renamed Robert C. Frazee State Beach.

39 (c) The department shall determine the precise boundaries of  
40 each state seashore, may revise those boundaries from time to



1 time, *and* shall identify additional lands appropriate for inclusion  
2 in state seashores, ~~and shall recommend land acquisitions for the~~  
3 ~~establishment of additional state seashores or as additions to~~  
4 ~~existing state seashores to the Governor and to the Legislature for~~  
5 ~~inclusion in the annual Budget Bill.~~

6 (d) Section 5019.62 ~~shall~~ *does* not apply to lands lying within  
7 the boundaries of state seashores established pursuant to this  
8 section until ~~such~~ *those* lands have been acquired by the state and  
9 designated as state park system lands ~~which~~ *that* are a part of a state  
10 seashore.

11 SEC. 4. Section 5005.6 of the Public Resources Code is  
12 amended to read:

13 5005.6. The department has exclusive jurisdiction with  
14 respect to property salvage and recovery operations in and upon  
15 the lands of the state park system. The department may grant the  
16 privilege of conducting salvage and recovery operations in and  
17 upon ~~such~~ *those* lands by the issuance of permits. The director may  
18 ~~make such~~ *adopt* rules and regulations in connection with  
19 applications for ~~such~~ *the* permits and the operations to be  
20 conducted thereunder, as he *or she* deems necessary to protect the  
21 state park system and the interests of the public in ~~such~~ *the*  
22 recovered property. ~~Such~~ *The* regulations may include, but ~~shall~~  
23 *may* not be limited to, regulations on *the* percentage of recovered  
24 property to be retained by the state, authorization for retention by  
25 *the* state of any items of historical, cultural, or other value,  
26 authorized methods, and recordkeeping requirements for conduct  
27 of salvage operations.

28 The terms and conditions of any permit issued pursuant to this  
29 section shall be subject to the approval of the Director of Finance.

30 ~~The department shall file an annual report with the Legislature~~  
31 ~~not later than the fifth calendar day of each regular session of the~~  
32 ~~Legislature on the operations which have been undertaken during~~  
33 ~~the previous year, the results of such operations, the permits which~~  
34 ~~are pending and under consideration, and the extent of the public~~  
35 ~~interest in such operations.~~

36 SEC. 5. Section 5056 of the Public Resources Code is  
37 repealed.

38 ~~5056. The department shall prepare and submit to the~~  
39 ~~Legislature not later than February 1, 1975, a preliminary plan for~~  
40 ~~the development of hostel facilities in the state park system and for~~



1 the establishment of recreational trails. In formulating the plan, the  
2 department shall specifically consider the matters specified in  
3 Section 27304, as they pertain to the purposes of this article, and  
4 shall, additionally, consider the recreational trail plans and  
5 programs of local agencies to the extent that such plans and  
6 programs may contribute to the purposes of this article. The  
7 department shall further consider, in formulating the plan, those  
8 facility operation procedures provided for in Article 1.5  
9 (commencing with Section 5019.10) of this chapter. The  
10 Legislature may comment upon the submitted plan by concurrent  
11 resolution as an expression of legislative intent.

12 SEC. 6. Section 5080.55 of the Public Resources Code is  
13 repealed.

14 ~~5080.55.~~ Notwithstanding ~~Section 7550.5~~ of the Government  
15 Code, the director shall submit a report containing the program  
16 required by paragraph (1) of subdivision (d) of Section 14661 of  
17 the Government Code and Section 5080.52 of this code to the Joint  
18 Legislative Budget Committee for review and comment not less  
19 than 30 days prior to advertising for the submittal of design-build  
20 proposals for the project. In addition to any other requirements for  
21 the program contained in paragraph (1) of subdivision (d) of  
22 Section 14661 of the Government Code and Section 5080.52 of  
23 this code, the report shall contain the criteria, including the relative  
24 weight to be assigned to the criteria, to be used for the evaluation  
25 of the design-build proposals and selection of the design-build  
26 entity.

27 SEC. 7. Section 5825 of the Public Resources Code is  
28 repealed.

29 ~~5825.~~ The department shall prepare a plan for the protection  
30 and management of the center and shall submit the plan to the  
31 Legislature, for its consideration, no later than January 15, 1977.  
32 The plan shall include, but need not be limited to, the following  
33 considerations:

34 (a) Means of ensuring the health, safety and comfort of center  
35 users while, at the same time, ensuring that the natural and rustic  
36 aspects of the center and its facilities are preserved.

37 (b) The need for providing additional, all-weather lodging,  
38 dining and instructional facilities suitable for use by  
39 schoolchildren.



1 ~~(c) The protection and utilization of those resources of the~~  
2 ~~center useful for outdoor study.~~

3 ~~(d) The suitability of the center for public uses, other than~~  
4 ~~outdoor education, appropriate to the state park system.~~

5 ~~(e) The suitability of the continued use of the center by cultural,~~  
6 ~~social, and youth organizations similar to those which have used~~  
7 ~~the center prior to the effective date of this chapter.~~

8 ~~(f) The relationship of the center to the Jackson State Forest,~~  
9 ~~Jughandle Creek, Pygmy Forest Park project, Big River project,~~  
10 ~~Mendocino Headlands Park project, and other adjacent or nearby~~  
11 ~~recreational, scientific, or scenic resources, so as to assure~~  
12 ~~optimum public access, use, and enjoyment of such sites and~~  
13 ~~resources.~~

14 ~~(g) The advisability of transferring or acquiring additional~~  
15 ~~lands so as to ensure the administrative efficiency of the center.~~

16 ~~(h) The organizational and funding requirements of programs~~  
17 ~~proposed to be undertaken at the center in accordance with this~~  
18 ~~chapter.~~

19 ~~(i) Estimated utilization rates and the nature and level of fees~~  
20 ~~necessary to make the center program essentially self-sustaining.~~

21 SEC. 8. Section 14314 of the Public Resources Code is  
22 repealed.

23 14314. ~~(a) On and after July 1, 1994, to further long-term~~  
24 ~~strategic planning, the development of performance measures,~~  
25 ~~operational and administrative efficiency and flexibility, and~~  
26 ~~commitment to quality improvement, the corps shall be designated~~  
27 ~~by the Department of Finance as a performance budget department~~  
28 ~~whose annual budget shall take the form of a budget contract~~  
29 ~~between the Legislature and the corps.~~

30 ~~(b) The Legislature hereby requests the Governor to issue an~~  
31 ~~Executive order establishing performance goals for the corps, by~~  
32 ~~which the Legislature may evaluate a proposed corps contract, and~~  
33 ~~that the Executive order includes such goals as increasing the~~  
34 ~~number of corpsmembers, increasing the number of corpsmember~~  
35 ~~hours dedicated to public service conservation work and~~  
36 ~~emergency response, and developing specific and quantifiable~~  
37 ~~measures of the corps' success.~~

38 SEC. 9. Section 14316 of the Public Resources Code is  
39 amended to read:



1 14316. The Department of Finance may make a loan from the  
 2 General Fund to the Collins-Dugan California Conservation Corps  
 3 ~~Fund~~ *Reimbursement Account*, in an amount not to exceed a  
 4 cumulative total of one million five hundred thousand dollars  
 5 (\$1,500,000) to meet cash flow needs due to delays in collecting  
 6 reimbursements. Any loan made by the Department of Finance  
 7 pursuant to this section shall only be made if the corps has a valid  
 8 contract or certification signed by a client agency that  
 9 demonstrates that sufficient funds will be available to repay the  
 10 loan. All money so transferred shall be repaid to the General Fund  
 11 as soon as possible, but not later than one year from the date of the  
 12 loan, with interest at the average rate earned by the Surplus Money  
 13 Investment Fund.

14 SEC. 10. Section 14403 of the Public Resources Code is  
 15 amended to read:

16 14403. (a) The corps shall cooperate with, and seek the  
 17 cooperation of, ~~the Private Industry Council of the local service~~  
 18 ~~delivery area, designated pursuant to the federal Job Training~~  
 19 ~~Partnership Act (P.L. 97-300), state and local workforce~~  
 20 *investment boards and youth councils, designated pursuant to the*  
 21 *federal Workforce Investment Act (29 U.S.C. Sec. 2801 et seq.)* to  
 22 secure employment and training services for corpsmembers.

23 (b) These employment and training services may include job  
 24 search assistance, skills training, transitional employment, or any  
 25 other services provided under the federal ~~Job Training Partnership~~  
 26 ~~Act~~ *which Workforce Investment Act* that would lead to  
 27 employment for the corpsmember.

28 (c) Employment and training services may be provided to  
 29 corpsmembers as a component of their work with the corps or upon  
 30 their termination from the corps.

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