

AMENDED IN SENATE JULY 7, 1996  
AMENDED IN ASSEMBLY MAY 23, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3495**

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Introduced by ~~Committee on Budget (Miller (Chairman),  
Alby, Baugh, Cunneen, Harvey, Hawkins, Kaloogian,  
Knowles, Kuykendall, Morrow, Olberg, and Richter)~~  
*Assembly Member Kaloogian and Senator Kopp*

April 10, 1996

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An act ~~relating to parks and recreation~~ amend Section 13108 of the Health and Safety Code, to add Sections 4145 and 5080.27 to, and to add and repeal Sections 515 and 14306.5 of, the Public Resources Code, and to amend Section 38225 of the Vehicle Code, relating to natural resources, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3495, as amended, ~~Committee on Budget~~  
*Kaloogian. Department of Parks and Recreation: Budget*  
~~Act of 1996~~ *Natural resources.*

(1) Existing law sets forth, in regard to state institutions and state-occupied buildings, the duties of the State Fire Marshal with regard to the preparation and adoption of building standards relating to fire protection in the design and construction of the means of egress and the adequacy of exits and the installation and maintenance of fire alarm and fire extinguishment equipment or systems, the preparation and

*adoption of regulations, other than building standards, for the installation and maintenance of equipment and furnishings that present unusual fire hazards, and the enforcement of certain regulations and standards relating to fire and panic safety. Existing law authorizes a local fire chief to enter any state institution, or state-owned or state-occupied building, to prepare a fire suppression preplanning program, and to investigate any fire in a state-occupied building, and authorizes the State Fire Marshal to authorize a local chief fire official to make certain inspections of state-owned or state-occupied buildings for the purpose of enforcing certain regulations and standards relating to fire and panic safety.*

*This bill would delete the provisions summarized above relating to the duties and authority of the State Fire Marshal with regard to state-occupied buildings, and make conforming changes relating to local chief fire officials and fire chiefs.*

*(2) Existing law vests the Department of Parks and Recreation with specified powers and duties, including control over the state park system.*

*This bill would prescribe procedures for the operation and funding of the department during the 1996–97 fiscal year, as specified.*

*(3) Existing law establishes the Department of Forestry and Fire Protection and requires the department to perform various functions pertaining to forest resources and fire protection.*

*This bill would express the Legislature's intent that cooperative agreements that are entered into between the department and local government provide for the equitable sharing of costs associated with capital outlay projects that enlarge, enhance, or replace facilities for the purpose of benefiting the cooperating local government, and would require the department to prescribe those terms and conditions for those agreements that would result in an equitable sharing of those costs in proportion to the benefits derived, as specified. The bill would require that any installment payments that are made in connection with a cooperative agreement that is entered into pursuant to those provisions be made over a period of time not exceeding 20*



years at the same rate of interest as the state's Pooled Money Investment Account, and would require that any reimbursements for facility improvement costs under a cooperative agreement be deposited in the General Fund.

(4) Existing law authorizes the Department of Parks and Recreation to enter into concession contracts for units of the state park system, subject to specified requirements.

This bill would authorize the department to enter into a concession contract for the development, operation, and maintenance of the Crystal Cove Historic District as a public use facility for a period of up to 60 years, upon those terms and conditions that the department determines are in the best interest of the state.

(5) Existing law establishes the California Conservation Corps in the Resources Agency for the purpose of implementing and administering various activities and programs intended to enhance the educational opportunities and employability of the state's youth.

This bill would prescribe procedures for the operation and funding of the corps during the 1996-97 fiscal year, as specified.

(6) Existing law requires the payment of a \$9 service fee to the Department of Motor Vehicles for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as provided, and requires, until January 1, 2003, the payment of an additional \$6 special fee to be paid at the time of payment of the service fee for the issuance or renewal of an identification plate or device.

This bill would decrease to \$7 the amount of the service fee required to be paid for the issuance or renewal of identification of off-highway motor vehicles subject to identification, and would, until January 1, 2003, increase to \$8 the additional special fee for the issuance or renewal of an identification plate or device.

~~Prior Budget Acts have authorized the expenditure of funds for the operation and support of the Department of Parks and Recreation.~~

~~This bill would state the intent of the Legislature in enacting the bill to make the necessary statutory changes to~~



~~implement the Budget Act of 1996 relative to funding for the Department of Parks and Recreation.~~

(7) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. 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. It is the intent of the Legislature in~~  
2     ~~SECTION 1. Section 13108 of the Health and Safety~~  
3     ~~Code is amended to read:~~  
4     13108. (a) Except as limited by Chapter 6  
5     (commencing with Section 140) of Division 1 of the Labor  
6     Code and Section 18930 of this code, the State Fire  
7     Marshal shall prepare and adopt building standards, not  
8     inconsistent with existing laws or ordinances, relating to  
9     fire protection in the design and construction of the  
10    means of egress and the adequacy of exits from, and the  
11    installation and maintenance of fire alarm and fire  
12    extinguishment equipment or systems in, any state  
13    institution or other state-owned building ~~or in any~~  
14    ~~state-occupied building~~ and submit ~~such~~ *those* building  
15    standards to the State Building Standards Commission for  
16    approval pursuant to ~~the provisions of~~ Chapter 4  
17    (commencing with Section 18935) of Part 2.5 of Division  
18    13 ~~of this code~~. The State Fire Marshal shall prepare and  
19    adopt regulations other than building standards for the  
20    installation and maintenance of equipment and  
21    furnishings that present unusual fire hazards in any state  
22    institution or other state-owned building ~~or in any~~  
23    ~~state-occupied building~~. ~~The State Fire Marshal shall~~  
24    ~~adopt such regulations as are reasonably necessary to~~  
25    ~~define what buildings shall be considered as~~  
26    ~~state-occupied buildings.~~  
27    (b) The fire chief of any city, county, or fire protection  
28    district, ~~or such~~ *that* person's authorized representative,  
29    may enter any state institution or any other state-owned  
30    or state-occupied building for the purpose of preparing a



1 fire suppression preplanning program or for the purpose  
2 of investigating any fire in a state-occupied building.

3 (c) Except as otherwise provided in this section, the  
4 State Fire Marshal shall enforce the regulations adopted  
5 by him *or her* and building standards relating to fire and  
6 panic safety published in the ~~State~~ *California* Building  
7 Standards Code in all state-owned buildings;  
8 ~~state-occupied—buildings~~, and state institutions  
9 throughout the state. Upon written request from the  
10 chief fire official of any city, county, or fire protection  
11 district, the State Fire Marshal may authorize ~~such that~~  
12 chief fire official and his *or her* authorized  
13 representatives, in their geographical area of  
14 responsibility, to make fire prevention inspections of  
15 state-owned ~~or state-occupied~~ buildings, other than state  
16 institutions, for the purpose of enforcing the regulations  
17 relating to fire and panic safety adopted by the State Fire  
18 Marshal pursuant to this section and building standards  
19 relating to fire and panic safety published in the ~~State~~  
20 *California* Building Standards Code. Authorization from  
21 the State Fire Marshal shall be limited to those fire  
22 departments or fire districts—~~which that~~ maintain a fire  
23 prevention bureau staffed by paid personnel.

24 (d) Any requirement or order made by any chief fire  
25 official pursuant to this section may be appealed to the  
26 State Fire Marshal. The State Fire Marshal ~~shall~~, upon  
27 receiving an appeal and subject to the provisions of  
28 Chapter 5 (commencing with Section 18945) of Part 2.5  
29 of Division 13 ~~of this code~~, *shall* determine if the  
30 requirement or order made is reasonably consistent with  
31 the fire and panic safety regulations adopted by him *or*  
32 *her* and building standards relating to fire and panic  
33 safety published in the—~~State~~ *California* Building  
34 Standards Code.

35 *SEC. 2. Section 515 is added to the Public Resources*  
36 *Code, to read:*

37 *515. (a) Notwithstanding any other provision of law,*  
38 *the department is hereby granted the authority, for*  
39 *which it may expend funds appropriated by the Budget*  
40 *Act of 1996, to do either of the following:*



1 (1) Exercise the same authority granted to the  
2 Division of the State Architect and the Office of Real  
3 Estate and Design Services in the Department of General  
4 Services to acquire, plan, design, construct, and  
5 administer contracts and professional services.

6 (2) Permit the Prison Industry Authority to  
7 participate as a competitive bidder, rather than as the sole  
8 source with regard to contracts and services.

9 (b) Notwithstanding any other provision of law, the  
10 director, or his or her designee, in lieu of the Director of  
11 Finance, is authorized to carry out subdivisions (b), (c),  
12 and (d) of Section 31.00 of the Budget Act of 1996.

13 (c) Notwithstanding subdivision (a) of Section 948 and  
14 Section 965 of the Government Code, the director, or his  
15 or her designee, in lieu of the Director of Finance, is  
16 authorized to certify funds for the payment of all legal  
17 settlements, State Board of Control claims, judgments,  
18 and tort claims, for which the department has sufficient  
19 expenditure authority and funds without the need for an  
20 augmentation.

21 (d) Notwithstanding Section 11032 of the  
22 Government Code, the director, or his or her designee,  
23 may authorize its officers and employees to travel outside  
24 the state or country without approval by any other  
25 agency, and the funds appropriated by the Budget Act of  
26 1996 may be used for that purpose.

27 (e) (1) Notwithstanding Sections 8647, 11005, and  
28 11005.1 of the Government Code, but subject to  
29 paragraphs (2) and (3) of this subdivision, the  
30 department may accept gifts and donations of personal  
31 and real property without approval by the Director of  
32 Finance. The department shall bear any costs associated  
33 with the acceptance of those gifts and donations, and the  
34 funds appropriated by the Budget Act of 1996 may be  
35 used for this purpose. The department shall not certify  
36 the fair market value of any gift or donation of real  
37 property without performing its own appraisal.

38 (2) Upon receipt of any gift or donation of real  
39 property, the department shall certify to the Department  
40 of Finance in writing that:



1 (A) The gift or donated property will have minimal  
2 impact on the operation and maintenance costs and the  
3 department will absorb the costs within its existing  
4 budget.

5 (B) The gift or donated property is adjacent to an  
6 existing park.

7 (C) The gift or donated property promotes park  
8 purposes.

9 (D) The gift or donated property has no evidence or  
10 history of environmental hazards or contamination.

11 (E) There are no lawsuits pending concerning the  
12 property, and clear title is a condition of the acceptance  
13 of the gift or donation.

14 (F) The gift or donated property has an estimated fair  
15 market value of less than five hundred thousand dollars  
16 (\$500,000).

17 (G) There are no provisions that will restrict the  
18 department or the state from divesting title to the gift or  
19 donated property.

20 (H) There are no structures on the property, or any  
21 structures on the property will be razed.

22 (3) If one or more of the criteria listed in paragraph  
23 (2) are not met, the department shall obtain approval  
24 from the Department of Finance to accept the gift or  
25 donation of real property. Any gifts and donations that  
26 will require future budget change proposals shall be  
27 submitted to the Department of Finance for approval.

28 (f) Notwithstanding Section 12439 of the Government  
29 Code, the department is exempt from the provisions that  
30 abolish, effective July 1, 1996, any positions that were  
31 vacant continuously during the period between October  
32 1, 1995, and June 30, 1996.

33 (g) Notwithstanding any other provision of law, the  
34 director, or his or her designee, in lieu of the Director of  
35 Finance, is authorized to approve Budget Revision,  
36 Standard Form 26.

37 (h) Notwithstanding Section 16304.1 of the  
38 Government Code, the director, or his or her designee,  
39 in lieu of the Director of Finance, is authorized to carry



1 out this section as it relates to the reversion of undisturbed  
2 balances and the payment of unpaid encumbrances.

3 (i) This section shall become inoperative on June 30,  
4 1997, and, as of January 1, 1998, is repealed, unless a later  
5 enacted statute, that becomes operative on or before  
6 January 1, 1998, deletes or extends the dates on which it  
7 becomes inoperative and is repealed.

8 SEC. 3. Section 4145 is added to the Public Resources  
9 Code, to read:

10 4145. (a) It is the intent of the Legislature that  
11 cooperative agreements that are entered into between  
12 the department and a local government shall provide for  
13 the equitable sharing of costs associated with capital  
14 outlay projects that enlarge, enhance, or replace facilities  
15 for the purposes of benefiting the cooperating local  
16 government.

17 (b) The department shall prescribe those terms and  
18 conditions for those cooperative agreements that would  
19 result in an equitable sharing of those costs in proportion  
20 to the benefits derived, including any in-kind, lump-sum,  
21 or installment payments. Any installment payment made  
22 in connection with a cooperative agreement entered into  
23 pursuant to this section shall be made over a period of  
24 time not exceeding a maximum of 20 years at the same  
25 rate of interest as the rate for the state's Pooled Money  
26 Investment Account. Any money that is received for  
27 reimbursements for facility improvement costs, under a  
28 cooperative agreement, shall be deposited in the General  
29 Fund.

30 SEC. 4. Section 5080.27 is added to the Public  
31 Resources Code, to read:

32 5080.27. Notwithstanding any other provision of law,  
33 the department is authorized to enter into a concession  
34 contract for the development, operation, and  
35 maintenance of the Crystal Cove Historic District as a  
36 public use facility for a period of up to 60 years, upon those  
37 terms and conditions that the department determines to  
38 be in the best interests of the state.

39 SEC. 5. Section 14306.5 is added to the Public  
40 Resources Code, to read:



1 14306.5. (a) Notwithstanding Section 11032 of the  
2 Government Code, the corps may authorize its officers  
3 and employees to travel outside the state without  
4 approval by any other agency, and the funds  
5 appropriated by the Budget Act of 1996 may be used for  
6 that purpose.

7 (b) Notwithstanding subdivisions (b), (c), and (d) of  
8 Section 31.00 of the Budget Act of 1996, the corps may  
9 authorize new positions, reclassifications, transfers to  
10 blanket authorizations, and the establishment of a  
11 blanket authorization, without prior notification to the  
12 Department of Finance or the Legislature, and the funds  
13 appropriated by the Budget Act of 1996 may be used for  
14 that purpose. The corps shall report to the Department  
15 of Finance and the Legislature on a quarterly basis  
16 regarding actions taken pursuant to this authority.

17 (c) Notwithstanding Sections 8647, 11005, and 11005.1  
18 of the Government Code, the corps may accept gifts and  
19 donations of personal property without approval by the  
20 Director of Finance. The corps shall bear any costs  
21 associated with the acceptance of those gifts and  
22 donations, and the funds appropriated by the Budget Act  
23 of 1996 may be used for that purpose.

24 (d) Notwithstanding Section 19080.3 of the  
25 Government Code, the corps may make limited-term  
26 appointments, not exceeding a period of four years for  
27 any appointment, without the review or approval of the  
28 State Personnel Board, and the funds appropriated by the  
29 Budget Act of 1996 may be used for that purpose.

30 (e) Notwithstanding Section 2807 of the Penal Code,  
31 the corps may procure corpmember-related goods and  
32 services from the private sector, and the funds  
33 appropriated by the Budget Act of 1996 may be used for  
34 that purpose. Notwithstanding this grant of authority, the  
35 corps shall contract with the Prison Industry Authority  
36 for this purpose if the Prison Industry Authority is able to  
37 meet the cost, quality, and time requirements established  
38 by the corps for the goods or services.

39 (f) Notwithstanding Sections 13332.06, 13332.08, and  
40 14669 of, and Chapter 6 (commencing with Section



1 14825) and Chapter 6.5 (commencing with Section  
2 1483.5) of Part 5.5 of Division 3 of Title 2 of, the  
3 Government Code, and Chapter 1 (commencing with  
4 Section 10100), Chapter 2 (commencing with Section  
5 10290), and Chapter 3 (commencing with Section 12100)  
6 of Part 2 of Division 2, the corps may execute contracts,  
7 procure all goods and services, including any fleet needs  
8 within 60 days or less, and negotiate all lease agreements  
9 for office, warehouse, and other appropriate facilities  
10 without review or approval by the Department of  
11 General Services and pursuant to methods and  
12 procedures other than those set forth in the State  
13 Administrative Manual, and funds appropriated by the  
14 Budget Act of 1996 may be used for that purpose. The  
15 authority with regard to lease agreements set forth in this  
16 subdivision does not alter the authority or responsibilities  
17 of the Department of General Services concerning the  
18 consolidation of offices in the Sacramento metropolitan  
19 area or the consolidation plans for other metropolitan  
20 areas in the state.

21 (g) Notwithstanding Sections 14931 and 14931.1 of, or  
22 Part 6.5 (commencing with Section 15250) of Division 3  
23 of Title 2 of, the Government Code, the corps may  
24 purchase electronic data processing and  
25 telecommunications goods and services, not exceeding  
26 one million dollars (\$1,000,000) for any one procurement,  
27 without the requirement of review or approval by the  
28 Department of General Services and pursuant to  
29 methods and procedures other than those set forth in the  
30 State Administrative Manual, and funds appropriated by  
31 the Budget Act of 1996 may be used for that purpose. The  
32 corps shall continue to use the Department of General  
33 Services CALNET, except that, if the department is  
34 unable to provide the information and maintenance  
35 required for the corps' statewide database network on a  
36 cost-competitive and timely basis, the corps shall be  
37 exempt from any restrictions relating to CALNET that  
38 are imposed by the Office of Telecommunications of the  
39 Department of General Services.



1 (h) Notwithstanding Chapter 7 (commencing with  
2 Section 14850) of Part 5.5 of Division 3 of Title 2 of the  
3 Government Code, the corps may procure printing  
4 services for its district field offices without the  
5 requirement of review or approval by the Department of  
6 General Services and pursuant to methods and  
7 procedures other than those set forth in the State  
8 Administrative Manual, and funds appropriated by the  
9 Budget Act of 1996 may be used for that purpose. In  
10 soliciting competitive bids for the procurement of those  
11 services, the Sacramento headquarters of the corps shall  
12 consider the Department of General Services and the  
13 Office of State Printing as it would any other bidder.

14 (i) This section shall become inoperative on June 30,  
15 1997, and, as of January 1, 1998, is repealed, unless a later  
16 enacted statute, that becomes operative on or before  
17 January 1, 1998, deletes or extends the dates on which it  
18 becomes inoperative and is repealed.

19 SEC. 6. Section 38225 of the Vehicle Code, as  
20 amended by Section 3 of Chapter 970 of the Statutes of  
21 1995, is amended to read:

22 38225. (a) A service fee of ~~nine dollars (\$9)~~ seven  
23 dollars (\$7) shall be paid to the department for the  
24 issuance or renewal of identification of off-highway motor  
25 vehicles subject to identification, except as expressly  
26 exempted under this division.

27 (b) In addition to the service fee specified in  
28 subdivision (a), a special fee of ~~six dollars (\$6)~~ eight  
29 dollars (\$8) shall be paid at the time of payment of the  
30 service fee for the issuance or renewal of an identification  
31 plate or device.

32 (c) All money transferred pursuant to Sections 8352.6  
33 and 8352.7 of the Revenue and Taxation Code, all fees  
34 received by the department pursuant to subdivision (b),  
35 and all day use, overnight use, or annual or biennial use  
36 fees for state vehicular recreation areas received by the  
37 Department of Parks and Recreation, shall be deposited  
38 in the Off-Highway Vehicle Trust Fund, which is hereby  
39 created. There shall be a separate reporting of special fee  
40 revenues by vehicle type, including four-wheeled



1 vehicles, three-wheelers, motorcycles, and snowmobiles.  
2 All money shall be deposited in the fund, which is a trust  
3 fund, and, upon appropriation by the Legislature, shall be  
4 allocated by the Off-Highway Motor Vehicle Recreation  
5 Commission, as provided in this section. Money in the  
6 fund shall be administered by the commission, as trustee  
7 of the fund, and, subject to Section 5090.61 of the Public  
8 Resources Code, shall be allocated for those purposes set  
9 forth in Sections 38240 and 38240.1.

10 (d) Any money temporarily transferred by the  
11 Legislature from the Off-Highway Vehicle Trust Fund to  
12 the General Fund shall be reimbursed, without interest,  
13 by the Legislature within two fiscal years of the transfer.

14 (e) This section shall remain in effect only until  
15 January 1, 2003, and as of that date is repealed, unless a  
16 later enacted statute, which is enacted before January 1,  
17 2003, deletes or extends that date. Any unencumbered  
18 funds remaining in the Off-Highway Vehicle Trust Fund  
19 on January 1, 2003, shall be transferred to the General  
20 Fund.

21 *SEC. 7. Section 38225 of the Vehicle Code, as*  
22 *amended by Section 4 of Chapter 970 of the Statutes of*  
23 *1995, is amended to read:*

24 38225. (a) A service fee of ~~nine dollars (\$9)~~ *seven*  
25 *dollars (\$7)* shall be paid to the department for the  
26 issuance or renewal of identification of off-highway motor  
27 vehicles subject to identification, except as expressly  
28 exempted under this division.

29 (b) This section shall become operative on January 1,  
30 2003.

31 ~~enacting this act to make the necessary statutory changes~~  
32 ~~to implement the Budget Act of 1996 relative to funding~~  
33 ~~for the Department of Parks and Recreation.~~

34 ~~SEC. 2.—~~

35 *SEC. 8.* This act is an urgency statute necessary for the  
36 immediate preservation of the public peace, health, or  
37 safety within the meaning of Article IV of the  
38 Constitution and shall go into immediate effect. The facts  
39 constituting the necessity are:



1 In order to make the necessary statutory changes to  
2 implement the Budget Act of 1996 at the earliest possible  
3 time, it is necessary that this act take effect immediately.

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