



**OHMVR COMMISSION MEETING
Mammoth Lakes, CA 93546**

September 25, 2015

STAFF REPORT: Legislative Update
STAFF: Tina Williams, OHMVR State Park Superintendent
SUBJECT: September 2015 California and Federal Legislation Summary Report

Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of September 17, 2015. Changes in status of some bills may occur between the date this report was prepared and the Commission meeting date.

Discussion

2015 - 2016 CALIFORNIA LEGISLATION UPDATE

Assembly Bill 56 (Quirk): Unmanned Aircraft Systems

Summary: This bill would establish protocols for the use, or contracted use, of unmanned aircraft systems (drones) by public agencies.

Status: Inactive File – 2-year bill

Assembly Bill 549 (Levine): State Park System

Summary: This bill would clarify the Department's authority to enter into agreements with qualified nonprofit organizations for the acquisition, installation, and operation of camping cabins or recreational vehicle parking facilities, within units of the State Park System. This bill would expand the types of services and donations that can be made to the Department. This bill would clarify the Department's authority to offer access to and use of State Park facilities with entities with agreements with the state, so long as the public benefit of the agreement exceeds or is of equal value to the use of facilities granted. The bill would also increase the threshold of concession contracts which require Legislative approval, from \$500,000 to \$1 million, as defined, and would change the approval process of these contracts.

Status: Enrolled – September 14, 2015.

Senate Bill 204 (Pavley): State parks

Summary: This bill contains a number of provisions affecting three main subject areas within the Department including: improving and expanding partnership opportunities; protection of historic, natural and cultural resources, and general plans. The purpose of this bill is to create opportunities for the Department to implement recommendations of the Parks Forward Commission and the Transformation Team, while continuing to protect the resources within the State Park System.

Status: Enrolled – September 10, 2015

Senate Bill 206 (Gaines): Vehicle Information Systems

Summary: This bill would prohibit the State Air Resources Board from collecting locational data from a vehicle information system except to assist the vehicle owner or operator to use as a defense in an enforcement action brought by the state board. This bill defines “vehicle information system” as a computer or other device embedded or integrated into the vehicle, other than an event recorder, that records, generates, stores, or collects data that can by itself or with other information be used to distinguish or individually identify the registered owner of the vehicle, the driver of the vehicle, or the operation, use, or condition of the vehicle.

Status: Senate Appropriations Suspense File – 2-year bill.

Senate Bill 742 (Hertzberg): Solid Waste Diversions

Summary: Existing statute requires state agencies to divert at least 50% of all solid waste through source reduction, recycling, and composting. This bill would increase that diversion percentage to 60%, on and after January 1, 2018.

Status: Senate Appropriations Suspense File – 2-year bill.

Senate Concurrent Resolution 2 (Gaines): Eugene “Gene” Chappie Memorial Highway

Summary: Mr. Chappie served as an Off-Highway Motor Vehicle Commissioner from 1987-1992. This resolution designates a portion of State Highway 193, in El Dorado County, as the Eugene “Gene” Chappie Memorial Highway. The resolution also requests the Department of Transportation to install appropriate signage after receiving sufficient donations from non-state sources to cover those costs.

Status: Chapter 105

2015 - 2016 114th US CONGRESS FEDERAL LEGISLATION UPDATE**S 414 (Feinstein): California Desert Conservation and Recreation Act of 2015**

Summary: This bill is an attempt to achieve consensus on the various uses of desert land. It is the result of years of engagement with a range of stakeholders including: environmental groups, local and state government officials, off-highway recreation

enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California's public utility companies and many others. This bill also directs the Secretary to complete several studies which would include stakeholders and state and local government input.

The bill's key off-highway vehicle provisions:

Designate five existing BLM Off-Highway Vehicle areas (covering approximately 143,000 acres of California desert) as permanent Off-Highway Vehicle (OHV) recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected in a manner similar to conservation areas.

Latest Major Action: 2/9/2015 – Referred to the Committee on Energy and Natural Resources

S 1040 (Heller) ROV In-Depth Examination Act of 2015

Summary: Would direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Latest Major Action: 5/20/2015 – Committee on Commerce, Science, and Transportation.

HR 792 (Griffith): No Net Increase in Lands. "Acre In, Acre Out Act."

Summary: Would provide for no net increase in the total acreage of certain federal land under the jurisdiction of the BLM, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Latest Major Action: 3/16/2015 – Referred to the Subcommittee on Federal Lands

HR 999 (Pompeo): The ROV In-Depth Examination Act

Summary: Would direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study. The National Academy of Sciences shall complete and transmit to the Commission a report containing the findings of the study not later than two years after the date of enactment of this Act.

The Consumer Product Safety Commission shall contract with the National Academy of Sciences to determine:

- 1) the technical validity of the lateral stability and vehicle handling requirements proposed by the Commission in a notice of proposed rulemaking published in the Federal Register November 19, 2014 (79 Fed. Reg. 68964), for purposes of reducing the risk of ROV rollovers in the off-road environment, including the repeatability and reproducibility of testing for compliance with such requirements;

- 2) the number of ROV rollovers that would be prevented if the proposed requirements were adopted;
- 3) whether there is a technical basis for the proposal to provide information on a point-of-sale hangtag about a vehicle's rollover resistance on a progressive scale; and
- 4) the effect on the utility of ROVs used by the Armed Forces if the proposed requirements were adopted.

Latest Major Action: 2/20/2015 – Referred to the Subcommittee on Commerce, Manufacturing, and Trade

Commission Action

For information only

Attachments

AB 56 Amended 9/04/2015
AB 549 Enrolled 9/14/2015
SB 204 Enrolled 9/10/2015
SB 206 Amended 5/06/2015
SB 742 Amended 4/06/2015
SCR 2 Chaptered 7/16/2015
S 414
S 1040
HR 792
HR 999

AMENDED IN SENATE SEPTEMBER 4, 2015
AMENDED IN SENATE SEPTEMBER 1, 2015
AMENDED IN SENATE JULY 16, 2015
AMENDED IN SENATE JULY 7, 2015
AMENDED IN SENATE JUNE 24, 2015
AMENDED IN ASSEMBLY APRIL 22, 2015
AMENDED IN ASSEMBLY APRIL 8, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 56

**Introduced by Assembly Member Quirk
(Principal coauthor: Assembly Member Campos)**

December 2, 2014

An act to add ~~Section 6254.31 to the Government Code, and to add~~ Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 56, as amended, Quirk. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for

the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit law enforcement agencies from using unmanned aircraft systems, obtaining an unmanned aircraft system from another public agency by contract, loan, or other arrangement, or using information obtained from an unmanned aircraft system used by another public agency, except as provided by the bill's provisions. The bill would authorize a law enforcement agency to use an unmanned aircraft system if the law enforcement agency complies with specified requirements, including, among others, that before the use of an unmanned aircraft system, the law enforcement agency develops, makes available to the public, and, at least once every 3 years, reviews, a policy on the use of an unmanned aircraft system, as provided, and that the law enforcement agency complies with all applicable federal, state, and local law and the unmanned aircraft system policy developed by the law enforcement agency pursuant to the bill's provisions. The bill would require a law enforcement agency that uses an unmanned aircraft system to ensure that information and data gathered through the use of the system is protected with reasonable operational, administrative, technical, and physical safeguards, and to implement and maintain reasonable security procedures and practices in order to protect information and data gathered through the use of that system from unauthorized access, destruction, use, modification, or disclosure. The bill would prohibit a law enforcement agency from using an unmanned aircraft system to surveil private property unless, among other justifications, the law enforcement agency obtains a search warrant.

The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by, or launched or directed from, an unmanned aircraft system and that is intended to cause incapacitation, bodily injury or death, or damage to, or the destruction of, real or personal property. By creating a new crime, the bill would impose a state-mandated local program. The bill would require a law enforcement agency that operates an unmanned aircraft system to keep a record of the use of that system, including information on whether a search

warrant was sought before the system was used, and, in situations where a warrant was sought, whether the warrant was granted or denied. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a law enforcement agency.

The bill would make its provisions applicable to all law enforcement agencies and private entities when contracting with or acting as the agent of a law enforcement agency for the use of an unmanned aircraft system.

The bill would authorize an individual who has been harmed by a violation of the bill's provisions to bring a civil action in any court of competent jurisdiction against a person who knowingly caused that violation, would authorize the court to award attorney's fees, as specified, and would specify that the bill's provisions do not impair or impede any other rights, causes of action, claims, or defenses available under other law and that the remedies provided by the bill's provisions are cumulative with any other remedies available under other law.

~~Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions:~~

~~This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.~~

~~Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~Because this bill would require local entities to comply with additional rules and requirements regarding the use of information obtained from unmanned aircraft systems, it would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 ~~SECTION 1. Section 6254.31 is added to the Government~~
2 ~~Code, to read:~~

3 ~~6254.31. (a) Notwithstanding any provision of this chapter,~~
4 ~~images, footage, or data obtained through the use of an unmanned~~
5 ~~aircraft system, including use pursuant to Title 14 (commencing~~
6 ~~with Section 14350) of Part 4 of the Penal Code, or any related~~
7 ~~record, including, but not limited to, usage logs or logs that identify~~
8 ~~any person or entity that subsequently obtains or requests records~~
9 ~~of that system, are public records subject to disclosure.~~

10 ~~(b) Notwithstanding subdivision (a), nothing in this chapter or~~
11 ~~any other law requires the disclosure of images, footage, or data~~
12 ~~obtained through the use of an unmanned aircraft system, or any~~
13 ~~related record, including, but not limited to, usage logs or logs that~~
14 ~~identify any person or entity that subsequently obtains or requests~~
15 ~~records of that system, to the extent that disclosure of the images,~~
16 ~~footage, data, or records would endanger the safety of a person~~
17 ~~involved in an investigation, or would endanger the successful~~
18 ~~completion of the investigation.~~

19 ~~SEC. 2.~~

20 ~~SECTION 1.~~ Title 14 (commencing with Section 14350) is
21 added to Part 4 of the Penal Code, to read:

22

23 TITLE 14. UNMANNED AIRCRAFT SYSTEMS

24

25 14350. (a) A law enforcement agency shall not use an
26 unmanned aircraft system, obtain an unmanned aircraft system
27 from another public agency by contract, loan, or other arrangement,
28 or use information obtained from an unmanned aircraft system
29 used by another public agency, except as provided in this title.
30 This title shall apply to all law enforcement agencies and private

1 entities when contracting with or acting as the agent of a law
2 enforcement agency for the use of an unmanned aircraft system.

3 (b) A law enforcement agency may use an unmanned aircraft
4 system, or use information obtained from an unmanned aircraft
5 system used by another public agency, if the law enforcement
6 agency complies with the requirements of this title and all
7 applicable federal, state, and local law.

8 (c) If the use of an unmanned aircraft system by a local law
9 enforcement agency may involve the collection of images, footage,
10 or data from another county, city, or city and county, the law
11 enforcement agency shall obtain a warrant based on probable cause,
12 unless an exigent circumstance exists.

13 (d) (1) A law enforcement agency shall develop a policy on
14 the use of unmanned aircraft systems and train the law enforcement
15 agency's officers and employees on the policy, before the use of
16 the unmanned aircraft system. This policy shall be made available
17 to the public in writing, and, if the law enforcement agency has
18 an Internet Web site, the policy shall be posted conspicuously on
19 that Internet Web site.

20 (2) A law enforcement agency shall use the unmanned aircraft
21 system consistent with the policy developed pursuant to this
22 subdivision.

23 (3) Before finalizing the policy required by this subdivision,
24 the law enforcement agency shall present the proposed policy at
25 a regularly scheduled and noticed public meeting of its governing
26 body with an opportunity for public comment.

27 (4) The policy required by this subdivision shall specify, at a
28 minimum, all of the following:

29 (A) How the collection, use, maintenance, sharing, and
30 dissemination of information and data gathered through the use of
31 an unmanned aircraft system is consistent with respect for an
32 individual's privacy and civil liberties.

33 (B) The authorized purposes for using an unmanned aircraft
34 system and for collecting information or data using that technology,
35 including the circumstances under which an unmanned aircraft
36 system may and may not be used. The policy shall identify any
37 time limits applicable to the use of an unmanned aircraft system
38 and the rules and procedures to be followed before such use.

39 (C) A description of the employees who are authorized to use
40 or access information or data collected through the use of an

1 unmanned aircraft system. The policy shall identify the training
2 requirements necessary for those authorized employees, as well
3 as the circumstances under which they may use or access this
4 information or data.

5 (D) A description of how the use of an unmanned aircraft system
6 will be monitored to ensure compliance with all applicable privacy
7 laws and a process for periodic system audits.

8 (E) A description of reasonable measures that will be used to
9 ensure the accuracy of information or data gathered through the
10 use of an unmanned aircraft system, and a process to correct errors.

11 (F) A description of how the law enforcement agency will
12 comply with the security procedures and practices implemented
13 and maintained pursuant to subdivision (e).

14 (G) The official custodian or owner of information or data
15 gathered through the use of an unmanned aircraft system, and the
16 employee or employees that have the responsibility and
17 accountability for implementing this subdivision.

18 (H) The purpose of, and process for, sharing or disseminating
19 information or data gathered through the use of an unmanned
20 aircraft system with other law enforcement agencies and public
21 agencies. The policy shall also identify how the use or further
22 sharing or dissemination of that information or data will be
23 restricted in order to ensure respect for an individual’s privacy and
24 civil liberties.

25 (I) The manner in which information obtained from another
26 public agency will be used.

27 (J) Mechanisms to ensure the policy is followed.

28 (K) The policy shall prohibit the use of an unmanned aircraft
29 system solely for the purpose of monitoring activities protected
30 by the First Amendment to the United States Constitution, or the
31 lawful exercise of other rights secured by the United States
32 Constitution, the California Constitution, and federal and state
33 law. The policy shall also prohibit the use of an unmanned aircraft
34 system to engage in discrimination on the basis of race, ethnicity,
35 gender, national origin, religion, sexual orientation, or gender
36 identity.

37 (5) The policy required by this subdivision shall be reviewed
38 at least once every three years to evaluate whether changes may
39 be needed as a result of innovations or developments in unmanned
40 aircraft system technology, to identify potential risks to individual

1 privacy and civil liberties, and to ensure compliance with existing
2 laws and regulations.

3 (e) A law enforcement agency that uses an unmanned aircraft
4 system shall ensure that information and data gathered through
5 the use of the system is protected with reasonable operational,
6 administrative, technical, and physical safeguards to ensure its
7 confidentiality and integrity. A law enforcement agency that uses
8 an unmanned aircraft system shall implement and maintain
9 reasonable security procedures and practices in order to protect
10 information and data gathered through the use of that system from
11 unauthorized access, destruction, use, modification, or disclosure.

12 (f) A law enforcement agency shall not use an unmanned aircraft
13 system, or information obtained from an unmanned aircraft system
14 used by another public agency, to surveil private property unless
15 the law enforcement agency has obtained either of the following:

- 16 (1) A search warrant based on probable cause.
17 (2) The express permission of the person or entity with the legal
18 authority to authorize a search of the specific private property to
19 be subjected to surveillance.

20 (g) Notwithstanding subdivision (f), a law enforcement agency
21 may use an unmanned aircraft system to surveil private property
22 if an exigent circumstance exists, including, but not limited to,
23 either of the following circumstances:

24 (1) In emergency situations if there is an imminent threat to life
25 or of great bodily harm, including, but not limited to, fires, hostage
26 crises, barricaded suspects, “hot pursuit” situations if reasonably
27 necessary to prevent harm to law enforcement officers or others,
28 and search and rescue operations on land or water.

29 (2) To determine the appropriate response to an imminent or
30 existing environmental emergency or disaster, including, but not
31 limited to, oil spills or chemical spills.

32 14351. (a) Images, footage, or data obtained through the use
33 of an unmanned aircraft system shall be permanently destroyed
34 within one year, except that a law enforcement agency may retain
35 the images, footage, or data in both of the following circumstances:

36 (1) For training purposes. Images, footage, or data retained for
37 training purposes shall be used only for the education and
38 instruction of a law enforcement agency’s employees in matters
39 related to the mission of the law enforcement agency and for no
40 other purpose.

1 (2) For academic research or teaching purposes. Images, footage,
2 or data retained for academic research or teaching purposes shall
3 be used only for the advancement of research and teaching
4 conducted by an academic or research institution and matters
5 related to the mission of the institution and for no other purpose.
6 (b) Notwithstanding subdivision (a), a law enforcement agency
7 may retain beyond one year images, footage, or data obtained
8 through the use of an unmanned aircraft system in both of the
9 following circumstances:
10 (1) If a search warrant authorized the collection of the images,
11 footage, or data.
12 (2) If the images, footage, or data are evidence in any claim
13 filed or any pending litigation, internal disciplinary proceeding,
14 enforcement proceeding, or criminal investigation.
15 14352. Unless authorized by federal law, a person or entity,
16 including a law enforcement agency subject to Section 14350 or
17 a person or entity under contract to a law enforcement agency, for
18 the purpose of that contract, shall not equip or arm an unmanned
19 aircraft system with a weapon or other device that may be carried
20 by, or launched or directed from, an unmanned aircraft system and
21 that is intended to cause incapacitation, bodily injury or death, or
22 damage to, or the destruction of, real or personal property.
23 14353. All unmanned aircraft systems shall be operated so as
24 to minimize the collection of images, footage, or data of persons,
25 places, or things not specified with particularity in the warrant
26 authorizing the use of an unmanned aircraft system, or, if no
27 warrant was obtained, for purposes unrelated to the justification
28 for the operation.
29 14354. A law enforcement agency that operates an unmanned
30 aircraft system shall keep a record of the use of that system, which
31 shall include information on whether a search warrant was sought
32 before the system was used, and, in situations where a warrant was
33 sought, whether the warrant was granted or denied.
34 14355. (a) This title is not intended to conflict with or
35 supersede federal law, including rules and regulations of the
36 Federal Aviation Administration.
37 (b) A local legislative body may adopt more restrictive policies
38 than those specified in state law on the acquisition, use, or retention
39 of unmanned aircraft systems.

1 14356. For the purposes of this title, the following definitions
2 shall apply:

3 (a) (1) “Law enforcement agency” means the Attorney General,
4 each district attorney, and each agency of the state or political
5 subdivision of the state authorized by statute to investigate or
6 prosecute law violators and that employs peace officers.

7 (2) Notwithstanding paragraph (1), a public agency with a core
8 mission to protect an environmental resource is not a law
9 enforcement agency for purposes of this title when the agency is
10 performing an act directly connected to the agency’s core mission.

11 (b) “*Surveil*” means the purposeful observation of a person or
12 private property with the intent of gathering criminal intelligence.

13 (b)

14 (c) “Unmanned aircraft system” means an unmanned aircraft
15 and associated elements, including communication links and the
16 components that control the unmanned aircraft, that are required
17 for the pilot in command to operate safely and efficiently in the
18 national airspace system.

19 14357. Except as provided in this title, the surveillance
20 restrictions on electronic devices described in Chapter 1.5
21 (commencing with Section 630) of Title 15 of Part 1 shall apply
22 to the use or operation of an unmanned aircraft system by a law
23 enforcement agency.

24 14358. An individual who has been harmed by a violation of
25 this title may bring a civil action in any court of competent
26 jurisdiction against a person who knowingly caused that violation.
27 In addition to any other sanctions, penalties, or remedies provided
28 by law, the court may award attorneys’ fees pursuant to Section
29 1021.5 of the Code of Civil Procedure. This title does not impair
30 or impede any other rights, causes of action, claims, or defenses
31 available under other law. The remedies provided in this title are
32 cumulative with any other remedies available under other law.

33 ~~SEC. 3. The Legislature finds and declares that Section 1 of~~
34 ~~this act, which adds Section 6254.31 of the Government Code,~~
35 ~~imposes a limitation on the public’s right of access to the meetings~~
36 ~~of public bodies or the writings of public officials and agencies~~
37 ~~within the meaning of Section 3 of Article I of the California~~
38 ~~Constitution. Pursuant to that constitutional provision, the~~
39 ~~Legislature makes the following findings to demonstrate the interest~~
40 ~~protected by this limitation and the need for protecting that interest:~~

1 In order to ensure the safety of persons involved in investigations
2 and to preserve the integrity of those investigations, it is necessary
3 that this act take effect.

4 ~~SEC. 4. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district under this act would result either from a legislative mandate
8 that is within the scope of paragraph (7) of subdivision (b) of
9 Section 3 of Article I of the California Constitution, or because
10 this act creates a new crime or infraction, eliminates a crime or
11 infraction, or changes the penalty for a crime or infraction, within
12 the meaning of Section 17556 of the Government Code, or changes
13 the definition of a crime within the meaning of Section 6 of Article
14 XIII B of the California Constitution.~~

15 *SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.*

CHAPTER _____

An act to amend Sections 5003.4, 5005, 5009.1, 5009.2, 5010.7, 5080.18, and 5080.20 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 549, Levine. State park system.

Existing law authorizes the Department of Parks and Recreation to install, or permit the installation of camping cabins within the units of the state park system if installation of camping cabins is consistent with the general plan of the unit.

This bill would authorize the department to acquire, install or permit the installation of, and operate or permit the operation of, camping cabins and parking facilities for recreational vehicles within the units of the state park system, if the installation and operation is consistent with the classification of the park system unit, and with the general plan of the unit, if one exists. The bill would authorize the department to enter into an agreement with a qualified nonprofit organization for those purposes.

Existing law authorizes the department to receive and accept in the name of the people of the state any gift, dedication, devise, grant, or other conveyance of title to or any interest in real property, including water rights, roads, trails, and rights-of-way, to be added or used in connection with the state park system, subject to the approval of the Director of Finance, except as provided.

This bill would include buildings, facilities, and other improvements to the types of interests that the department may receive to be used in connection with the state park system.

Existing law authorizes the department to enter into an agreement to receive money from any entity for the maintenance or operation, on a nonprofit basis, of a designated state park unit or facility. Existing law requires the money received to be used to supplement existing resources for enhancing the maintenance and operation of the unit or facility, with priority given to preventing closure or reduced hours of service to the public.

This bill would authorize the department to enter into an agreement to receive funds from any entity 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. The bill would provide that the funds received shall be used to supplement, but not replace, existing resources, would remove the priority given to preventing closure or reduced hours of service to the public, and would authorize the department to provide free or reduced-cost access to and use of park facilities to an entity that enters into this agreement, if the public benefit provided by the agreement exceeds or is of comparable value, as determined by the department, to the access to or use of park facilities granted.

Existing law authorizes the department to enter into an agreement to receive funds from any entity for the maintenance or operation of a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit. Existing law requires funds received to be used to supplement existing resources.

This bill would authorize the department to enter into an agreement to receive funds from any entity for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit, or for research, educational, interpretive, recreational, or visitor services provided on or for a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit. The bill would provide that funds received shall be used to supplement, but not replace, existing resources, and would authorize the department to provide free or reduced-cost access to and use of beach facilities to an entity that enters into this agreement, if the public benefit provided by the agreement exceeds or is of comparable value, as determined by the department, to the access to or use of beach facilities granted.

Existing law requires the department to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. Existing law establishes the State Park Revenue Incentive Subaccount in the State Parks and Recreation Fund with money available to the department for

activities, programs, and projects, as provided, relating to the revenue generation program. Existing law requires 50% of certain program revenues deposited into the subaccount generated by a park district to be allocated to that district, as provided. Existing law requires the department to report to the Legislature annually on or before July 1 on the revenue distributed to each park district.

This bill would instead require the department to report to the Legislature annually on or before December 31.

Existing law authorizes the department to enter into competitively bid contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system.

This bill would require all renewals of those concession contracts to be subject to competitive bidding requirements.

Existing law requires every concessionaire to submit to the department its sales and use tax returns.

This bill would also require every concessionaire to, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

Existing law requires a concession contract entered into pursuant to specified provisions that is expected to involve a total investment or gross sales in excess of \$500,000 to comply with certain other contract requirements.

This bill would impose those requirements on a concession contract that is expected to involve a total investment or gross sales in excess of \$1,000,000 and would revise those contract requirements, as specified.

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

SECTION 1. (a) It is the intent of the Legislature to enact changes in law necessary to facilitate and expedite implementation of reforms recommended by the Parks Forward Commission to ensure a vibrant and sustainable park system for all Californians and for present and future generations. The changes to be enacted include, but are not necessarily limited to, those that will facilitate all of the following:

(1) The organizational, administrative, and technological changes needed at the Department of Parks and Recreation to modernize the department's processes, ensure efficiency and

accountability throughout the department, diversify the department's workforce, and better serve the needs of park visitors.

(2) New public-private partnerships to provide improved stewardship of state parks and the natural and cultural resources they contain and to enhance programs and services for park visitors.

(3) Enhanced park access for all Californians, and engagement of younger generations through increased opportunities for environmental and outdoor education in parks and for youth leadership development.

(4) Establishment of a stable and diversified funding structure, including a more entrepreneurial and robust revenue generation strategy.

(b) In its 2015 report, the California's Parks Forward Commission recommended expanding the availability of safe, clean, and affordable cabins and similar overnight accommodations in state and local parks as an important means of providing equitable park access and building public support for parks statewide.

(c) It is the intent of the Legislature in enacting the changes to Section 5003.4 of the Public Resources Code made by this act that agreements entered into pursuant to subdivision (b) of that section not compete with existing concession contracts through which comparable services, as determined by the department, are or could be provided.

SEC. 2. Section 5003.4 of the Public Resources Code is amended to read:

5003.4. (a) There shall be provided in each state park in which camping is permitted those parking facilities for recreational vehicles, as defined by Section 18010 of the Health and Safety Code, that can be accommodated within the park consistent with the objective of providing camping facilities for the public in these parks. In addition, the Department of Parks and Recreation may acquire, install or permit the installation of, and operate or permit the operation of, camping cabins, as defined by Section 18862.5 of the Health and Safety Code, and parking facilities for recreational vehicles within the units of the state park system, if the installation and operation is consistent with the classification of the park system unit and with the general plan of the unit, if one exists.

(b) The department may enter into agreements with qualified nonprofit organizations, as defined in subdivision (g) of Section 5080.42, for acquisition, installation, and operation of camping cabins or parking facilities for recreational vehicles as described in subdivision (a), within units of the state park system. The agreements shall be subject to the requirements of Section 5080.42.

SEC. 3. Section 5005 of the Public Resources Code is amended to read:

5005. (a) The department may receive and accept in the name of the people of the state any gift, dedication, devise, grant, or other conveyance of title to or any interest in real property, including water rights, roads, trails, rights-of-way, buildings, facilities, and other improvements, to be added to or used in connection with the state park system. It may receive and accept gifts, donations, contributions, or bequests of money to be used in acquiring title to or any interest in real property, or in improving it as a part of or in connection with the state park system, or to be used for any of the purposes for which the department is created. It may also receive and accept personal property for any purpose connected with the park system.

(b) Subdivision (a) is subject to the requirements and exceptions set forth in Section 11005 of the Government Code, except that conditional gifts or bequests of money valued at one hundred thousand dollars (\$100,000) or less, shall not require the approval of the Director of Finance.

(c) The department shall annually report to the Department of Finance all conditional gifts or bequests of money valued at one hundred thousand dollars (\$100,000) or less that it accepts and receives pursuant to subdivision (b).

SEC. 4. Section 5009.1 of the Public Resources Code is amended to read:

5009.1. (a) The department may 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. Any funds so received shall be deposited in a separate account in the State Park Contingent Fund.

The funds received shall supplement, but not replace, existing resources for the maintenance, operation, restoration, repair, development, improvement, or enhancement of the unit or facility, or for establishing or enhancing park services provided to visitors. The department and the sponsoring or donating person, entity, government, or organization shall specify in the agreement the level of service that is to be performed.

(b) The department may enter into an agreement to accept from any person, educational institution, tribal government, corporation or other business entity, or organization services for the cleanup, repair, development, improvement, restoration, or enhancement of any designated state park system unit or facility, or for research, educational, interpretive, recreational, or visitor services provided on or for a state park system unit or facility. Under the direction of the department, these services shall supplement, but not replace, existing staff resources for the purpose of enhancing the maintenance and operation of the unit or facility or for establishing or enhancing park services provided to visitors.

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

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

SEC. 5. Section 5009.2 of the Public Resources Code is amended to read:

5009.2. (a) The department may enter into an agreement to accept funds from any person, business entity, educational institution, tribal government, or organization for the maintenance, operation, restoration, repair, development, improvement, or enhancement of a state beach, any other unit of the state park system that encompasses a beach, or any area or facility of the state beach or other unit, or for research, educational, interpretive, recreational, or visitor services provided on or for a state beach, any other unit of the state park system that encompasses a beach,

or any area or facility of the state beach or other unit. Any funds so received shall be deposited in a separate account in the State Park Contingent Fund. The funds received shall supplement, but not replace, existing resources for the purposes of enhancing the maintenance, operation, restoration, repair, development, improvement, or enhancement of the state beach, other unit of the state park system that encompasses a beach, or area or facility of the state beach or other unit, or for establishing or enhancing beach services provided to visitors. The department and the sponsoring or donating person, business entity, government, or organization may specify in the agreement the level of maintenance, operation, restoration, repair, development, improvement, or enhancement that will be performed.

(b) The department may also enter into an agreement to accept from any person, educational institution, tribal government, business entity, or organization services for the operation, restoration, repair, development, improvement, maintenance, or enhancement of a state beach, other unit of the state park system that encompasses a beach, or area or facility of the state beach or other unit, or for research, educational, interpretive, recreational, or visitor services provided on or for a state beach, other unit of the state park system that encompasses a beach, or area or facility of the state beach or other unit. Under the direction of the department, those services shall supplement, but not replace, existing staff resources for the purposes of operation, restoration, repair, development, improvement, maintenance, or enhancement of the state beach, other unit of the state park system that encompasses a beach, or area or facility of the state beach or other unit.

(c) The director may authorize the erection of an appropriate sign in recognition of a donation or sponsorship provided in accordance with this section, in accordance with department rules and regulations regarding signs in the state park system.

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

(e) The activities authorized by this section shall be implemented as part of the department's Adopt-A-Beach program.

SEC. 6. Section 5010.7 of the Public Resources Code is amended to read:

5010.7. (a) The department shall develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. On or before July 1, 2014, and annually thereafter, the department shall assign a revenue generation target to each district under the control of the department. The department shall develop guidelines for districts to report the use of funds generated by the revenue generation program, and shall post information and copies of the reports on its Internet Web site.

(b) The California State Park Enterprise Fund is hereby created in the State Treasury as a working capital fund, and the revenue shall be available to the department upon appropriation by the Legislature for capital outlay or support expenditures for revenue generating investments in state parks. These investments may include, but are not limited to, planning and implementation of a statewide electronic fee collection system that includes installation of modern fee collection equipment and technologies to enhance collection of state park users fees and that will enable park users to pay fees with commonly used forms of electronic fund transfers, including, but not limited to, credit and debit card transactions, and other park revenue generating projects, and shall be available for encumbrance and expenditure until June 30, 2019, and for liquidation until June 30, 2021.

(1) The department shall prepare guidelines for districts to apply for funds for capital projects that are consistent with this subdivision.

(2) The guidelines prepared pursuant to this subdivision shall require all of the following:

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

(B) A timeframe of implementation of the capital project.

(C) A projection of revenue, including annual income, fees, and projected usage rates.

(D) A projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

(E) A market analysis demonstrating demand for the project.

(F) A projected rate of return on the investment.

(c) The revenue generated by the revenue generation program developed pursuant to subdivision (a) shall be deposited into the State Parks and Recreation Fund. Revenue identified as being in excess of the revenue targets shall be transferred to the State Parks Revenue Incentive Subaccount, established pursuant to Section 5010.6, on or before June 1, annually.

(d) Moneys transferred to the State Parks Revenue Incentive Subaccount pursuant to subdivision (c) shall be expended as follows:

(1) (A) The department shall allocate 50 percent of the total amount of revenues deposited into the State Parks Revenue Incentive Subaccount pursuant to subdivision (c), generated by a park district to that district if the amount of revenues generated exceeds the targeted revenue amount prescribed in the revenue generation program. The revenues to be allocated to a park district that fails to achieve the revenue target shall remain in the subaccount.

(B) With the approval of the director, each district shall use the funds it receives pursuant to this section to improve the parks in that district through revenue generation programs and projects and other activities that will assist in the district's revenue generation activities, and the programs, projects, and other activities shall be consistent with the mission and purpose of each unit and with the plan developed for the unit pursuant to subdivision (a) of Section 5002.2.

(C) The department shall report to the Legislature, commencing on July 1, 2014, and annually on or before each December 31 thereafter, on the revenue distributed to each district pursuant to this section.

(2) The department shall use 50 percent of the funds deposited into the State Parks Revenue Incentive Subaccount pursuant to subdivision (c) for the following purposes:

(A) To fund the capital costs of construction and installation of new revenue and fee collection equipment and technologies and other physical upgrades to existing state park system lands and facilities.

(B) For costs of restoration, rehabilitation, and improvement of the state park system and its natural, historical, and visitor-serving resources that enhance visitation and are designed to create opportunities to increase revenues.

(C) For costs to the department to implement the action plan required to be developed by the department pursuant to Section 5019.92.

(D) Pursuant to subdivision (c) of Section 5010.6, for expenditures to support revenue generation projects that include, but are not limited to, staffing kiosks, campgrounds, and parking lots.

(e) The funds generated by the revenue generation program shall not be used by the department to expand the park system, unless there is significant revenue generation potential from such an expansion.

(f) Notwithstanding Section 5009, moneys received by the department from private contributions and other public funding sources may also be deposited into the California State Park Enterprise Fund and the State Parks Revenue Incentive Subaccount for use for the purposes of subdivision (c) and subdivision (d).

(g) The department shall provide all relevant information on its Internet Web site concerning how funds in the State Parks and Recreation Revenue Incentive Subaccount and the California State Park Enterprise Fund are spent.

(h) The department may recoup its costs for implementing and administering the working capital from the fund.

SEC. 7. Section 5080.18 of the Public Resources Code is amended to read:

5080.18. All concession contracts entered into pursuant to this article shall contain, but are not limited to, all of the following provisions:

(a) (1) The maximum term shall be 10 years, except that a term of more than 10 years may be provided if the director determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full utilization of a structure that is scheduled by the department for replacement or redevelopment, or to serve the best interests of the state. The term shall not exceed 20 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(2) The maximum term shall be 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities,

including plumbing and electrical, that is anticipated to exceed an initial cost of one million five hundred thousand dollars (\$1,500,000) in capital improvements in order to begin operation. The term for a concession contract described in this paragraph shall not exceed 50 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(3) Notwithstanding paragraph (1), a concession agreement at Will Rogers State Beach executed prior to December 31, 1997, including, but not limited to, an agreement signed pursuant to Section 25907 of the Government Code, may be extended to exceed 20 years in total length without specific authorization by statute, upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed one million five hundred thousand dollars (\$1,500,000) in capital improvements. Any extensions granted pursuant to this paragraph shall not be for more than 15 years.

(b) Every concessionaire shall submit to the department all sales and use tax returns and, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

(c) Every concession shall be subject to audit by the department.

(d) A performance bond shall be obtained and maintained by the concessionaire. In lieu of a bond, the concessionaire may substitute a deposit of funds acceptable to the department. Interest on the deposit shall accrue to the concessionaire.

(e) The concessionaire shall obtain and maintain in force at all times a policy of liability insurance in an amount adequate for the nature and extent of public usage of the concession and naming the state as an additional insured.

(f) Any discrimination by the concessionaire or his or her agents or employees against any person because of the marital status or ancestry of that person or any characteristic listed or defined in Section 11135 of the Government Code is prohibited.

(g) To be effective, any modification of the concession contract shall be evidenced in writing.

(h) Whenever a concession contract is terminated for substantial breach, there shall be no obligation on the part of the state to purchase any improvements made by the concessionaire.

SEC. 8. Section 5080.20 of the Public Resources Code is amended to read:

5080.20. A contract, including a contract entered into on lands operated pursuant to an agreement entered into under Article 2 (commencing with Section 5080.30), that is expected to involve a total investment or estimated annual gross sales in excess of one million dollars (\$1,000,000), shall not be advertised for bid, negotiated, renegotiated, or amended in any material respect unless and until all of the following requirements have been complied with:

(a) The commission has reviewed the proposed services, facilities, and location of the concession and determined that they meet the requirements of Sections 5001.9 and 5080.03 and are compatible with the classification of the unit in which the concession will be operated.

(b) At least 30 days advance written notice of the proposed concession has been provided by the director to the appropriate policy and fiscal committees of the Legislature and the Joint Legislative Budget Committee.

(c) The proposed concession is accompanied with documentation sufficient to enable the commission and the Joint Legislative Budget Committee to ascertain whether the concession will conform to the requirements of this article and to evaluate fully all terms on which the concession is proposed to be let, including the rent and other returns anticipated to be received.

CHAPTER _____

An act to amend Section 10110 of the Public Contract Code, and to amend Sections 513, 5001, 5002.2, 5080.16, and 5080.42 of, and to add Sections 5001.2 and 5080.44 to, the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, Pavley. State parks.

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 Director of Parks and Recreation to promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations.

Existing law requires the department to prepare a general plan or revise an existing plan for a unit of the state park system following classification or reclassification of the unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit.

This bill would authorize the department to prepare a management or development plan that includes appropriate environmental review and analysis instead of a general plan for a park unit to which new development is necessary to comply with public service delivery obligations, operational or code compliance upgrades, or resource preservation requirements that are compatible with the classification of the unit.

Existing law, until January 1, 2019, authorizes the department to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit, or units, or portion of a unit, of the state park system, but authorizes the department to enter into an operating agreement that involves the operation of the entirety of a park unit only to avoid closure of a unit or units of the state park system that may otherwise be subject to closure.

This bill would delete the repeal date of that provision, thereby extending its operation indefinitely, and would delete the above limitation on the department's authority to enter into an operating agreement that involves the operation of the entirety of a park unit. The bill would also authorize the department to accept donations of money from public or private sources to be used for the purpose of funding park programs to benefit youth, as defined. The bill would authorize the department to enter into agreements with public or nonprofit organizations that serve youth, to provide service and learning opportunities for youth, as described.

Existing law authorizes the Director of General Services to permit the department to carry out a project where the nature of work is historic preservation of the state park system. Existing law requires the department to solicit bids and award the project to the lowest responsible bidder or reject all bids, if the estimated total cost of the project exceeds \$25,000, except as provided.

This bill would make those requirements applicable if the total estimated cost of the project exceeds \$50,000.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Nearly 35,000 volunteers contribute their time and energy to the Department of Parks and Recreation, thereby enhancing the experiences of visitors, complementing the work of departmental staff, and generating economic activity through their voluntary efforts at state parks.

(2) The department estimates that volunteers contribute more than 1,000,000 hours each year and generate nearly twenty-five million dollars (\$25,000,000) in economic value to the local and regional economies around state parks through these substantial volunteer efforts.

(3) It is the department's existing practice to offer one or more types of complimentary passes to the department's volunteers in recognition of their value-added contributions. Those complimentary passes should also be offered to the volunteers at cooperating associations in recognition of the value-added services they provide.

(b) It is the intent of the Legislature that the Department of Parks and Recreation extend the existing policies for the issuance of complimentary state park passes to persons who volunteer at state parks through cooperating associations, as defined in Section 513 of the Public Resources Code, consistent with the California State Government Volunteers Act set forth in Chapter 8.5 (commencing with Section 3110) of Division 4 of Title 1 of the Government Code.

SEC. 2. Section 10110 of the Public Contract Code is amended to read:

10110. (a) Where the nature of the work is historic restoration for the state park system, as determined jointly by the director and the Director of Parks and Recreation, the department may authorize the carrying out of the project directly by the Department of Parks and Recreation.

(b) If the estimated total cost of any construction project or work carried out under this section exceeds fifty thousand dollars (\$50,000), the Department of Parks and Recreation shall solicit bids in writing and award the work to the lowest responsible bidder or reject all bids. However, the director may authorize the Department of Parks and Recreation to carry out work in excess of fifty thousand dollars (\$50,000) under the provisions of this section by day labor if the director determines, in consultation with the Director of Parks and Recreation, that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state. The Department of Parks and Recreation shall establish, by regulation, criteria to be considered by the Department of Parks and Recreation in requesting authorization from the director to perform all or part of a project by day labor.

SEC. 3. Section 513 of the Public Resources Code is amended to read:

513. (a) The department, as a means of furthering the interpretive and educational functions of the state park system, may enter into an agreement to act cooperatively with a nonprofit cooperating association engaged in educational or interpretive work in a state park system unit, as the director may designate, whereby the cooperating association would furnish educational and interpretive materials, or educational and interpretive services,

or educational and interpretative materials and services, for sale to the public.

(b) Pursuant to Article 1 (commencing with Section 5080.02) of Chapter 1.2 of Division 5, a concession may provide materials and services that are intended to add to the convenience, enjoyment, and safety of state park system visitors. A concession may also provide, pursuant to this section, educational and interpretive materials and services, as described in paragraphs (2) and (3) of subdivision (d), with the approval of the department.

(c) A cooperating association may provide, pursuant to this section, noneducational and noninterpretive materials and services, as described in paragraph (4) of subdivision (d), or other materials or services that would enhance the visitor experience, as part of its cooperating association program with the approval of the department, if the department is unable to obtain, through a good faith effort, a concessionaire to provide those materials and services.

(d) For purposes of this section, the following definitions apply:

(1) “Cooperating association” means a corporation that meets all of the following criteria:

(A) The corporation is a nonprofit public benefit corporation, organized pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code.

(B) The articles of incorporation of the corporation state that the specific purpose of the corporation is to provide support for educational and interpretive programs of the state park system, or portions of the programs.

(C) The corporation has a cooperating association program contract with the department.

(D) The corporation is in compliance with the department’s policies and guidelines regarding cooperating associations and has obtained the department’s approval for its educational and interpretive materials and services.

(2) “Educational and interpretive materials” include items that promote visitor appreciation, understanding, and knowledge of natural, cultural, and historic resources of the state park system, including educational and interpretive gifts and souvenirs.

(3) “Educational and interpretive services” include those activities and programs that focus on natural, cultural, and historic

resources of the state park system and are not generally offered by the department.

(4) “Educational and interpretive materials and services” do not include lodging, food service, horse and equipment rentals, camping supplies, gifts and souvenirs, other than those described in paragraph (2), transportation, except for equipment owned by the department, recreational lessons, and the operation of specialized facilities within a state park unit such as the theater at Hearst San Simeon State Historic Monument and Old Town San Diego State Historic Park, golf courses, and marinas.

(e) The department, at its discretion, may provide the services of department personnel and shall provide space, if available, for the sale of cooperating association materials, services, or both, within a state park unit.

(f) Subject to rules and regulations that the director shall adopt, all moneys collected by the cooperating association or received by the department from the sale of cooperating association materials, services, or both, provided by a cooperating association shall be retained by or returned to the cooperating association for use in the programs of the state park system unit that the cooperating association has been designated to serve.

SEC. 4. Section 5001 of the Public Resources Code is amended to read:

5001. (a) The Legislature finds and declares all of the following:

(1) California’s state parks are a true reflection of our state’s collective history, natural and cultural heritage, and ideals. The state parks can be models of healthy, natural, and sustainable ecosystems and they can also commemorate important cultural traditions or historic events. To remain relevant now and into the future, state parks must protect California’s heritage and be welcoming in order that visitors may understand and appreciate these special places that have been set aside for their inspiration and enjoyment.

(2) The state parks and other nature, recreation, and historic areas deserve to be preserved and managed for the benefit and inspiration of all state residents and visitors to the state parks. It is the intent of the Legislature to clarify the priorities and responsibilities of state agencies with respect to the management and administration of the state park system.

(3) Individual units of the state park system derive increased importance and recognition through their inclusion in a unified state park system that is preserved and managed for the benefit and inspiration of all Californians and visitors to the state.

(b) The Department of Parks and Recreation has control of the state park system.

SEC. 5. Section 5001.2 is added to the Public Resources Code, to read:

5001.2. The director shall promote and regulate the use of the state park system in a manner that conserves the scenery, natural and historic resources, and wildlife in the individual units of the system for the enjoyment of future generations.

SEC. 6. Section 5002.2 of the Public Resources Code is amended to read:

5002.2. (a) (1) Following classification or reclassification of a unit by the State Park and Recreation Commission, and prior to the development of any new facilities in any previously classified unit, the department shall prepare a general plan or revise any existing plan, for the unit.

(2) The general plan shall consist of elements that will evaluate and define the proposed land uses, facilities, concessions, operation of the unit, any environmental impacts, and the management of resources, and shall serve as a guide for the future development, management, and operation of the unit.

(3) The general plan constitutes a report on a project for the purposes of Section 21100. The general plan for a unit shall be submitted by the department to the State Park and Recreation Commission for approval.

(b) The resource element of the general plan shall evaluate the unit as a constituent of an ecological region and as a distinct ecological entity, based upon historical and ecological research of plant-animal and soil-geological relationships and shall contain a declaration of purpose, setting forth specific long-range management objectives for the unit consistent with the unit's classification pursuant to Article 1.7 (commencing with Section 5019.50), and a declaration of resource management policy, setting forth the precise actions and limitations required for the achievement of the objectives established in the declaration of purpose.

(c) Notwithstanding subdivision (a), the department is not required to prepare a general plan for a unit that has no general plan or to revise an existing plan if the only development contemplated by the department consists of the repair, replacement, or rehabilitation of an existing facility; the construction of a temporary facility, if the construction does not result in the permanent commitment of a resource of the unit; any undertaking necessary for the protection of public health or safety; or any emergency measure necessary for the immediate protection of natural or cultural resources; or any combination of these activities at a single unit. Any development is subject to the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(d) Notwithstanding subdivision (a), the department is not required to prepare a general plan or revise an existing plan for a unit to which new development is necessary to comply with public service delivery obligations, operational or code compliance upgrades, or resource preservation requirements that are compatible with the classification of the unit. The department may instead prepare a management or development plan with appropriate environmental review and analysis.

(e) Consistent with good planning and sound resource management, the department shall, in discharging its responsibilities under this section, attempt to make units of the state park system accessible and usable by the general public at the earliest opportunity.

(f) The department may prepare a general plan that includes more than one unit of the state park system for units that are in close proximity to one another and that have similar resources and recreational opportunities if that action will facilitate the protection of public resources and public access to units of the state park system.

SEC. 7. Section 5080.16 of the Public Resources Code is amended to read:

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

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

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

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

(d) Whenever a concession is desired for particular interpretive purposes in a unit of the state park system and the prospective concessionaire possesses special knowledge, experience, skills, or ability appropriate to the particular interpretive purposes.

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

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

SEC. 8. Section 5080.42 of the Public Resources Code is amended to read:

5080.42. (a) Notwithstanding any other provision of this article, the department may enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as agreed to by the director. The prohibition on park closures, pursuant to subdivision (a) of Section 541.5, does not limit the department's authority to enter into an operating agreement pursuant to this section, as provided in subdivision (e) of Section 541.5. The department may only enter into an operating agreement that involves the operation of the entirety of a park unit for no more than 20 park units. An operating agreement with a qualified nonprofit organization shall include, but shall not be limited to, the following conditions:

(1) The district superintendent for the department shall provide liaison with the department, the nonprofit organization, and the public.

(2) The nonprofit organization shall annually submit a written report to the department regarding its operating activities during the prior year and shall make copies of the report available to the public upon request. The report shall be available on the Internet Web sites of both the department and the nonprofit organization. The report shall include a full accounting of all revenues and expenditures for each unit of the state park system that the nonprofit organization operates pursuant to an operating agreement.

(3) (A) Except as provided in subparagraph (B), all revenues that the qualified nonprofit organization receives from a unit shall be expended only for the care, maintenance, operation, administration, improvement, or development of the unit. The qualified nonprofit organization may additionally contribute in-kind services and funds raised from outside entities for the care, maintenance, operation, administration, improvement, or development of the unit.

(B) If the qualified nonprofit organization determines that the revenues it has received from a unit are in excess of the revenues that are needed for the care, maintenance, operation, administration, improvement, or development of that unit, and that these funds are not already specified for or committed to specific purposes pursuant to an existing agreement or contract restricting the use of those funds, the qualified nonprofit organization may dedicate those excess revenues to another state park unit for that unit's care, maintenance, operation, administration, improvement, or development.

(4) General Fund moneys shall not be provided to a nonprofit organization to subsidize the operation or maintenance of a park unit. This paragraph applies to state parks, the full operation of which are turned over to a nonprofit organization, but does not apply to or preclude the department from entering into agreements with nonprofit organizations to operate a portion of a state park unit, or from entering into comanagement agreements with nonprofit organizations that involve the sharing of operational and financial responsibilities for the park unit and that have the effect of reducing state costs. This paragraph does not apply to park entrance fees, concession revenues, or any other revenues generated

within a park operated by a nonprofit organization pursuant to this section.

(b) An operating agreement entered into pursuant to subdivision (a) shall honor the existing term of a current concession contract for the state park unit subject to the operating agreement.

(c) An operating agreement entered into pursuant to subdivision (a) shall specify the duties that the nonprofit organization shall be responsible for carrying out relative to management and protection of natural, historical, and cultural resources, and shall identify those management duties that shall continue to be conducted by the department, so that all core operations of the park are delineated. Scientific, architectural, and engineering functions that require special expertise or professional training shall only be conducted by or under the supervision of qualified persons with applicable expertise or training and subject to oversight by the department.

(d) This section does not supersede the requirements of Section 5019.53 regarding the protection of natural, scenic, cultural, and ecological values.

(e) The nonprofit organization and the district superintendent for the department shall, following submittal of the annual report pursuant to subdivision (a), hold a joint public meeting for discussion of the report.

(f) If the department intends to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or a portion of a unit, the department shall notify the Member of the Legislature in whose district the unit is located, the Chair of the Senate Committee on Natural Resources and Water, the Chair of the Assembly Committee on Water, Parks, and Wildlife, and the chairs of the Assembly and Senate budget committees of that intention. The notification shall include estimated operating costs and revenues and core duties and responsibilities that are likely to be assigned to the nonprofit organization and the department.

(g) For purposes of this section, a qualified nonprofit organization is an organization that is all of the following:

(1) An organization that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

(2) An organization that has as its principal purpose and activity to provide visitor services in state parks, facilitate public access

to park resources, improve park facilities, provide interpretive and educational services, or provide direct protection or stewardship of natural, cultural, or historical lands, or resources.

(3) An organization that is in compliance with the Supervision of Trustees and Fundraisers for Charitable Purposes Act, Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code.

(h) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide a report to the Legislature, on a biennial basis, of the status of operating agreements it has entered into pursuant to this section. The report shall include a list of units of the state park system with operating agreements, discussion of the management and operations of each unit subject to an operating agreement, an accounting of the revenues and expenditures incurred under each operating agreement, and an assessment of the benefit to the state from operating agreements entered into pursuant to this section.

(2) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 9. Section 5080.44 is added to the Public Resources Code, to read:

5080.44. (a) The department may accept donations of money from public or private sources to be used for the purpose of funding park programs to benefit youth, as described in subdivision (b).

(b) Notwithstanding Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code, the department may enter into agreements, including agreements that involve the transfer of funds appropriated to the department, with public or nonprofit organizations that serve youth to provide service and learning opportunities for young people by performing work on state park system programs and projects under the supervision of department employees, where the work is not being performed by state park employees. Programs and projects covered under this subdivision include all of the following:

(1) Restoring California's natural, historic, archaeological, recreational, and scenic resources.

(2) Training young people to be public land and resources managers and stewards for careers in public service.

(3) Undertaking appropriate cultural and natural resource conservation in a cost-effective and appropriate manner.

AMENDED IN SENATE MAY 6, 2015
AMENDED IN SENATE APRIL 7, 2015
AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 206

Introduced by Senator Gaines

February 11, 2015

An act to add Section 43003 to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as amended, Gaines. Vehicle information systems.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants, including standards for off-road and nonvehicle engine categories.

This bill would prohibit the state board from obtaining locational data ~~or vehicle speed data~~ from a vehicle information system, as ~~defined~~. ~~The bill would provide that these provisions do not apply to the motor vehicle inspection and maintenance program, commonly known as smog check.~~ *defined, except to assist the vehicle owner or operator to use as a defense in an enforcement action brought by the state board.*

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 43003 is added to the Health and Safety
- 2 Code, to read:
- 3 43003. (a) The state board shall not obtain locational data ~~or~~
- 4 ~~vehicle speed data~~ from a vehicle information ~~system~~. *system*
- 5 *except to assist the vehicle owner or operator to use as a defense*
- 6 *in an enforcement action brought by the state board.*
- 7 (b) “Vehicle information system” means a computer or other
- 8 device embedded or integrated into the vehicle, other than an event
- 9 recorder, that records, generates, stores, or collects data that can
- 10 by itself or with other information be used to distinguish or
- 11 individually identify the registered ~~owner~~, *owner* of the vehicle,
- 12 the driver of the vehicle, or the operation, use, or condition of the
- 13 vehicle.
- 14 ~~(e) This section does not apply to Chapter 5 (commencing with~~
- 15 ~~Section 44000).~~

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 742

Introduced by Senator Hertzberg

February 27, 2015

An act to amend Sections 42240, 42241, 42243, 42244, and 42245 of, and to repeal Section 42244.5 of, *Section 42921* of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Hertzberg. ~~Solid waste.~~ *waste: diversion.*

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. *The act requires each state agency to develop and adopt, in consultation with the department, an integrated waste management plan. Existing law requires each state agency and each large state facility, on and after January 1, 2004, to divert at least 50% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.*

This bill would require each state agency and each large state facility, on and after January 1, 2018, to divert at least 60% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities. The bill would also delete an obsolete provision.

~~This bill would make nonsubstantive changes to some of its provisions.~~

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 42921 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~42921. (a) Each state agency and each large state facility shall~~
4 ~~divert at least 25 percent of all solid waste generated by the state~~
5 ~~agency by January 1, 2002, through source reduction, recycling,~~
6 ~~and composting activities.~~

7 ~~42921. (b)(a) On and after January 1, 2004, each state agency~~
8 ~~and each large state facility shall divert at least 50 percent of all~~
9 ~~solid waste through source reduction, recycling, and composting~~
10 ~~activities.~~

11 ~~(b) On and after January 1, 2018, each state agency and each~~
12 ~~large state facility shall divert at least 60 percent of all solid waste~~
13 ~~through source reduction, recycling, and composting activities.~~

14 ~~SECTION 1. Section 42240 of the Public Resources Code is~~
15 ~~amended to read:~~

16 ~~42240. The Department of General Services and the Department~~
17 ~~of Resources Recycling and Recovery, in consultation with other~~
18 ~~affected state agencies, shall maintain specifications for the~~
19 ~~purchase of compost by the State of California. The specifications~~
20 ~~shall designate the state minimum operating standards and product~~
21 ~~quality standards. The specifications shall be designed to maximize~~
22 ~~the use of compost without jeopardizing the safety and health of~~
23 ~~the citizens of the state or the environment.~~

24 ~~SEC. 2. Section 42241 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~42241. The Department of Transportation shall use compost~~
27 ~~in place of, or to supplement, petroleum-based commercial~~
28 ~~fertilizers in the state's highway landscape maintenance program.~~

29 ~~SEC. 3. Section 42243 of the Public Resources Code is~~
30 ~~amended to read:~~

31 ~~42243. The Department of Forestry and Fire Protection, the~~
32 ~~Department of Parks and Recreation, and the Department of~~
33 ~~General Services shall initiate programs to restore public lands~~
34 ~~that use compost, cocompost, rice straw, and chemically fixed~~
35 ~~sewage sludge and shall use those products or materials wherever~~
36 ~~possible.~~

37 ~~SEC. 4. Section 42244 of the Public Resources Code is~~
38 ~~amended to read:~~

1 ~~42244. The department shall evaluate compost, cocompost,~~
2 ~~and chemically fixed sewage sludge for use as solid waste landfill~~
3 ~~cover materials or for use as extenders for currently used cover~~
4 ~~material. Compost, cocompost, and chemically fixed sewage sludge~~
5 ~~products, when used as a substitute for or mixed with currently~~
6 ~~approved cover material, shall possess all the physical~~
7 ~~characteristics required in the definition of a cover material.~~

8 ~~SEC. 5. Section 42244.5 of the Public Resources Code is~~
9 ~~repealed.~~

10 ~~SEC. 6. Section 42245 of the Public Resources Code is~~
11 ~~amended to read:~~

12 ~~42245. Based on the results of the evaluation conducted in~~
13 ~~accordance with Section 42244, the department may, on a~~
14 ~~case-by-case basis, approve the use of compost, cocompost, and~~
15 ~~chemically fixed sewage sludge, that meet the performance~~
16 ~~standards for cover material, for up to 25 percent of landfill cover~~
17 ~~materials or landfill cover extenders.~~

Senate Concurrent Resolution No. 2

RESOLUTION CHAPTER 105

Senate Concurrent Resolution No. 2—Relative to the Eugene “Gene” Chappie Memorial Highway.

[Filed with Secretary of State July 16, 2015.]

LEGISLATIVE COUNSEL’S DIGEST

SCR 2, Gaines. Eugene “Gene” Chappie Memorial Highway.

This measure would designate a specified portion of State Highway Route 193 in El Dorado County as the Eugene “Gene” Chappie Memorial Highway. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

WHEREAS, Eugene “Gene” Chappie was a long-time El Dorado County resident and rancher who dedicated his life to serving his county, his state, his country, and the American people; and

WHEREAS, Gene Chappie was born on March 28, 1920, in Sacramento. After graduating from high school in 1938, he joined the United States Army and was promoted to the rank of Captain while serving in the Pacific Theater during World War II, and later returned to serve his country again during the Korean War; and

WHEREAS, In 1950, Governor Earl Warren appointed Gene Chappie to a vacant seat on the El Dorado County Board of Supervisors, where he served and represented the residents of the 4th Supervisorial District until he was elected to the State Assembly in 1964, where he served and represented the residents of the 6th Assembly District; and

WHEREAS, During his tenure in the Legislature, Gene Chappie served as Chair of the Welfare Committee from 1967 to 1969, and Chair of the Assembly Rules Committee from 1969 to 1971. He pioneered legislation in the area of eliminating architectural barriers for the handicapped, and authored measures with a more direct bearing on his district, including legislation regulating the safety and use of snowmobiles and efforts to introduce planning concepts into the Lake Tahoe basin; and

WHEREAS, Gene Chappie was elected to the United States House of Representatives in 1980, where he served and represented the residents of the 1st and 3rd Congressional Districts. During his six years in Congress, he served on the Agriculture Committee, the Small Business Committee, the Merchant Marine and Fisheries Committee, and the Select Committee on Drugs and Narcotics Abuse. He announced his retirement in 1986 and returned to his family’s ranch in Cool, California; and

WHEREAS, Governor George Deukmejian appointed Gene Chappie in 1987 to the California Off-Highway Motor Vehicle Recreation Commission, where he served until 1992; and

WHEREAS, Governor George Deukmejian appointed Gene Chappie in 1988 to a vacant seat on the El Dorado County Board of Supervisors, returning him once again to represent the constituents of the 4th Supervisorial District until 1991; and

WHEREAS, Gene Chappie served on various boards and commissions. President Ronald Reagan appointed him to the federal Architectural and Transportation Barriers Compliance Board. At the state level, he served on the Commission on the Status of Women, the Commission of the Californians, and the Heritage Preservation Commission; and

WHEREAS, Gene Chappie was a founder of the Mountain Counties Water Resources Association, the Georgetown Divide Public Utility District, and was one of the original organizers and supporters of the Jeepers Jamboree. He was a member of the Rotary Club, the Veterans of Foreign Wars, the American Legion, the Pilot Hill Grange, the Native Sons of the Golden West, the El Dorado County Farm Bureau, the Elks, and the Holy Name Society; and

WHEREAS, Gene Chappie passed away on May 31, 1992, at 72 years of age at his home in Georgetown, California; and

WHEREAS, In recognition of Gene Chappie's four decades of service to the citizens of El Dorado County and the State of California, it is fitting to designate a portion of State Highway 193 in his honor; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby designates the portion of State Highway 193 from State Highway 49 to Cramer Road in El Dorado County as the Eugene "Gene" Chappie Memorial Highway; and be it further

Resolved, That the Department of Transportation is requested to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from nonstate sources sufficient to cover the cost, to erect those signs; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Transportation and to the author for appropriate distribution.

1 **“SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated such sums
3 as are necessary to carry out this title.

4 **“TITLE XVIII—OFF-HIGHWAY**
5 **VEHICLE RECREATION AREAS**

6 **“SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE**
7 **RECREATION AREAS.**

8 “(a) DESIGNATION.—In accordance with the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1701 et seq.) and resource management plans developed
11 under this title and subject to valid rights, the following
12 land within the Conservation Area in San Bernardino
13 County, California, is designated as Off-Highway Vehicle
14 Recreation Areas:

15 “(1) DUMONT DUNES OFF-HIGHWAY VEHICLE
16 RECREATION AREA.—Certain Bureau of Land Man-
17 agement land in the Conservation Area, comprising
18 approximately 7,630 acres, as generally depicted on
19 the map entitled ‘Dumont Dunes Proposed National
20 OHV Recreation Area’ and dated January 5, 2015,
21 which shall be known as the ‘Dumont Dunes Off-
22 Highway Vehicle Recreation Area’.

23 “(2) EL MIRAGE OFF-HIGHWAY VEHICLE
24 RECREATION AREA.—Certain Bureau of Land Man-
25 agement land in the Conservation Area, comprising
26 approximately 14,930 acres, as generally depicted on

1 the map entitled 'El Mirage Proposed National OHV
2 Recreation Area' and dated July 15, 2009, which
3 shall be known as the 'El Mirage Off-Highway Vehi-
4 cle Recreation Area'.

5 “(3) RASOR OFF-HIGHWAY VEHICLE RECRE-
6 ATION AREA.—Certain Bureau of Land Management
7 land in the Conservation Area, comprising approxi-
8 mately 23,910 acres, as generally depicted on the
9 map entitled 'Rasor Proposed National OHV Recre-
10 ation Area' and dated July 15, 2009, which shall be
11 known as the 'Rasor Off-Highway Vehicle Recre-
12 ation Area'.

13 “(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE
14 RECREATION AREA.—Certain Bureau of Land Man-
15 agement land in the Conservation Area, comprising
16 approximately 56,140 acres, as generally depicted on
17 the map entitled 'Spangler Hills Proposed National
18 OHV Recreation Area' and dated July 16, 2009,
19 which shall be known as the 'Spangler Off-Highway
20 Vehicle Recreation Area'.

21 “(5) STODDARD VALLEY OFF-HIGHWAY VEHI-
22 CLE RECREATION AREA.—Certain Bureau of Land
23 Management land in the Conservation Area, com-
24 prising approximately 40,110 acres, as generally de-
25 picted on the map entitled 'Stoddard Valley Pro-

1 posed National OHV Recreation Area' and dated
2 July 16, 2009, which shall be known as the 'Stod-
3 dard Valley Off-Highway Vehicle Recreation Area'.

4 "(b) PURPOSE.—The purpose of the off-highway ve-
5 hicle recreation areas designated under subsection (a) is
6 to preserve and enhance the recreational opportunities
7 within the Conservation Area (including opportunities for
8 off-highway vehicle recreation), while conserving the wild-
9 life and other natural resource values of the Conservation
10 Area.

11 "(c) MAPS AND DESCRIPTIONS.—

12 "(1) PREPARATION AND SUBMISSION.—As soon
13 as practicable after the date of enactment of this
14 title, the Secretary shall file a map and legal de-
15 scription of each off-highway vehicle recreation area
16 designated by subsection (a) with—

17 "(A) the Committee on Natural Resources
18 of the House of Representatives; and

19 "(B) the Committee on Energy and Nat-
20 ural Resources of the Senate.

21 "(2) LEGAL EFFECT.—The map and legal de-
22 scriptions of the off-highway vehicle recreation areas
23 filed under paragraph (1) shall have the same force
24 and effect as if included in this title, except that the

1 Secretary may correct errors in the map and legal
2 descriptions.

3 “(3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 filed and made available for public inspection in the
6 appropriate offices of the Bureau of Land Manage-
7 ment.

8 “(d) USE OF THE LAND.—

9 “(1) RECREATIONAL ACTIVITIES.—

10 “(A) IN GENERAL.—The Secretary shall
11 continue to authorize, maintain, and enhance
12 the recreational uses of the off-highway vehicle
13 recreation areas designated by subsection (a),
14 including off-highway recreation, hiking, camp-
15 ing, hunting, mountain biking, sightseeing,
16 rockhounding, and horseback riding, as long as
17 the recreational use is consistent with this sec-
18 tion and any other applicable law.

19 “(B) OFF-HIGHWAY VEHICLE AND OFF-
20 HIGHWAY RECREATION.—To the extent con-
21 sistent with applicable Federal law (including
22 regulations) and this section, any authorized
23 recreation activities and use designations in ef-
24 fect on the date of enactment of this title and
25 applicable to the off-highway vehicle recreation

1 areas designated by subsection (a) shall con-
2 tinue, including casual off-highway vehicular
3 use, racing, competitive events, rock crawling,
4 training, and other forms of off-highway recre-
5 ation.

6 “(2) WILDLIFE GUZZLERS.—Wildlife guzzlers
7 shall be allowed in the off-highway vehicle recreation
8 areas designated by subsection (a) in accordance
9 with—

10 “(A) applicable Bureau of Land Manage-
11 ment guidelines; and

12 “(B) State law.

13 “(3) PROHIBITED USES.—Commercial develop-
14 ment (including development of mining and energy
15 facilities, but excluding energy transport facilities,
16 rights-of-way, and related telecommunication facili-
17 ties) shall be prohibited in the off-highway vehicle
18 recreation areas designated by subsection (a) if the
19 Secretary determines that the development is incom-
20 patible with the purpose described in subsection (b).

21 “(e) ADMINISTRATION.—

22 “(1) IN GENERAL.—The Secretary shall admin-
23 ister the off-highway vehicle recreation areas des-
24 ignated by subsection (a) in accordance with—

25 “(A) this title;

1 “(B) the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1701 et seq.);
3 and

4 “(C) any other applicable laws (including
5 regulations).

6 “(2) MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—As soon as prac-
8 ticable, but not later than 3 years after the date
9 of enactment of this title, the Secretary shall—

10 “(i) amend existing resource manage-
11 ment plans applicable to the land des-
12 ignated as off-highway vehicle recreation
13 areas under subsection (a); or

14 “(ii) develop new management plans
15 for each off-highway vehicle recreation
16 area designated under that subsection.

17 “(B) REQUIREMENTS.—All new or amend-
18 ed plans under subparagraph (A) shall be de-
19 signed to preserve and enhance safe off-highway
20 vehicle and other recreational opportunities
21 within the applicable recreation area consistent
22 with—

23 “(i) the purpose described in sub-
24 section (b); and

1 “(ii) any applicable laws (including
2 regulations).

3 “(C) INTERIM PLANS.—Pending comple-
4 tion of a new management plan under subpara-
5 graph (A), the existing resource management
6 plans shall govern the use of the applicable off-
7 highway vehicle recreation area.

8 “(f) STUDY.—

9 “(1) IN GENERAL.—As soon as practicable, but
10 not later than 2 years, after the date of enactment
11 of this title, the Secretary shall complete a study to
12 identify Bureau of Land Management land within
13 the Conservation Area that is suitable for addition
14 to—

15 “(A) the national off-highway vehicle recre-
16 ation areas designated by subsection (a); or

17 “(B) the Johnson Valley Off-Highway Ve-
18 hicle Recreation Area designated by section
19 2945 of the National Defense Authorization Act
20 for Fiscal Year 2014 (Public Law 113–66; 127
21 Stat. 1038).

22 “(2) STUDY AREAS.—The study required under
23 paragraph (1) shall include—

24 “(A) certain Bureau of Land Management
25 land in the Conservation Area, comprising ap-

1 proximately 41,000 acres, as generally depicted
2 on the map entitled ‘Spangler Hills Proposed
3 Expansion Study Area’ and dated January 23,
4 2015; and

5 “(B) certain Bureau of Land Management
6 land in the Conservation Area, comprising ap-
7 proximately 680 acres, as generally depicted on
8 the map entitled ‘El Mirage Proposed Expan-
9 sion Study Area’ and dated January 21, 2015.

10 “(3) REQUIREMENTS.—In preparing the study
11 under paragraph (1), the Secretary shall—

12 “(A) seek input from stakeholders, includ-
13 ing—

14 “(i) the State, including—

15 “(I) the California Public Utili-
16 ties Commission; and

17 “(II) the California Energy Com-
18 mission;

19 “(ii) San Bernardino County, Cali-
20 fornia;

21 “(iii) the public;

22 “(iv) recreational user groups;

23 “(v) conservation organizations;

24 “(vi) the Southern California Edison
25 Company; and

1 “(vii) the Pacific Gas and Electric
2 Company;

3 “(B) explore the feasibility of expanding
4 the southern boundary of the off-highway vehi-
5 cle recreation area described in subsection
6 (a)(3) to include previously disturbed land;

7 ~~“(C) identify and exclude from consider-~~
8 ~~ation any land that—~~

9 “(i) is managed for conservation pur-
10 poses;

11 “(ii) may be suitable for renewable en-
12 ergy development; or

13 “(iii) may be necessary for energy
14 transmission; and

15 “(D) not recommend or approve expansion
16 of national off-highway recreation areas within
17 the Conservation Area that collectively would
18 exceed the total acres administratively des-
19 ignated for off-highway recreation within the
20 Conservation Area as of the day before the date
21 of enactment of the National Defense Author-
22 ization Act for Fiscal Year 2014 (Public Law
23 113–66; 127 Stat. 672).

24 “(4) APPLICABLE LAW.—The Secretary shall
25 consider the information and recommendations of

1 the study completed under paragraph (1) to deter-
2 mine the impacts of expanding off-highway vehicle
3 recreation areas designated by subsection (a) on the
4 Conservation Area, in accordance with—

5 “(A) the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.);

7 “(B) the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.); and

9 “(C) any other applicable law.

10 “(5) SUBMISSION TO CONGRESS.—On comple-
11 tion of the study under paragraph (1), the Secretary
12 shall submit the study to—

13 “(A) the Committee on Natural Resources
14 of the House of Representatives; and

15 “(B) the Committee on Energy and Nat-
16 ural Resources of the Senate.

17 “(6) AUTHORIZATION FOR EXPANSION.—

18 “(A) IN GENERAL.—On completion of the
19 study under paragraph (1) and in accordance
20 with all applicable laws (including regulations),
21 the Secretary shall authorize the expansion of
22 the off-highway vehicle recreation areas rec-
23 ommended under the study.

1 “(B) affects the application, siting, route
2 selection, right-of-way acquisition, or construc-
3 tion of the Coolwater-Lugo transmission
4 project, as may be approved by the California
5 Public Utilities Commission and the Bureau of
6 Land Management; or

7 “(C) prohibits the upgrading or replace-
8 ment of any Southern California Edison Com-
9 pany—

10 “(i) utility facility, including such a
11 utility facility known on the date of enact-
12 ment of this title as—

13 “(I) ‘Gale-PS 512 transmission
14 lines or rights-of-way’; or

15 “(II) ‘Patio, Jack Ranch, and
16 Kenworth distribution circuits or
17 rights-of-way’; or

18 “(ii) energy transport facility in a
19 right-of-way issued, granted, or permitted
20 by the Secretary adjacent to a utility facil-
21 ity referred to in clause (i).

22 “(2) PLANS FOR ACCESS.—The Secretary, in
23 consultation with the Southern California Edison
24 Company, shall publish plans for regular and emer-
25 gency access by the Southern California Edison

1 Company to the rights-of-way of the Company by
2 the date that is 1 year after the later of—

3 “(A) the date of enactment of this title;
4 and

5 “(B) the date of issuance of a new energy
6 transport facility right-of-way within—

7 “(i) the El Mirage Off-Highway Vehi-
8 cle Recreation Area;

9 “(ii) the Spangler Hills National Off-
10 Highway Vehicle Recreation Area; or

11 “(iii) the Stoddard Valley National
12 Off Highway Vehicle Recreation Area.

13 “(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY
14 FACILITIES AND RIGHTS-OF-WAY.—

15 “(1) EFFECT OF TITLE.—Nothing in this
16 title—

17 “(A) terminates any validly issued right-of-
18 way for the customary operation, maintenance,
19 upgrade, repair, relocation within an existing
20 right-of-way, replacement, or other authorized
21 activity (including the use of any mechanized
22 vehicle, helicopter, and other aerial device) in a
23 right-of-way issued, granted, or permitted to
24 Pacific Gas and Electric Company (including
25 any predecessor or successor in interest or as-

1 sign) that is located on land included in the
2 Spangler Hills National Off-Highway Vehicle
3 Recreation Area; or

4 “(B) prohibits the upgrading or replace-
5 ment of any—

6 “(i) utility facilities of the Pacific Gas
7 and Electric Company, including those
8 utility facilities known on the date of en-
9 actment of this title as—

10 “(I) ‘Gas Transmission Line 311
11 or rights-of-way’; or

12 “(II) ‘Gas Transmission Line
13 372 or rights-of-way’; or

14 “(ii) utility facilities of the Pacific
15 Gas and Electric Company in rights-of-way
16 issued, granted, or permitted by the Sec-
17 retary adjacent to a utility facility referred
18 to in clause (i).

19 “(2) PLANS FOR ACCESS.—Not later than 1
20 year after the date of enactment of this title or the
21 issuance of a new utility facility right-of-way within
22 the Spangler Hills National Off-Highway Vehicle
23 Recreation Area, whichever is later, the Secretary, in
24 consultation with the Pacific Gas and Electric Com-
25 pany, shall publish plans for regular and emergency

1 access by the Pacific Gas and Electric Company to
2 the rights-of-way of the Pacific Gas and Electric
3 Company.

4 **“TITLE XIX—ALABAMA HILLS**
5 **NATIONAL SCENIC AREA**

6 **“SEC. 1901. DEFINITIONS.**

7 “In this title:

8 “(1) ENERGY TRANSPORT FACILITY.—

9 “(A) IN GENERAL.—The term ‘energy
10 transport facility’ means any facility used for
11 the operation and maintenance, transmission,
12 distribution, or transportation of electricity or
13 natural gas.

14 “(B) INCLUSIONS.—The term ‘energy
15 transport facility’ includes—

16 “(i) an electric or gas transmission or
17 distribution facility;

18 “(ii) a telecommunications facility;
19 and

20 “(iii) any appurtenant equipment
21 owned or used by a public or municipal
22 utility company or water district.

23 “(2) MANAGEMENT PLAN.—The term ‘manage-
24 ment plan’ means the management plan for the Na-
25 tional Scenic Area developed under section 1903(a).

114TH CONGRESS
1ST SESSION

S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act of 2015”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Consumer Product Safety Commission.

6 (2) RECREATIONAL OFF-HIGHWAY VEHICLE
7 AND ROV.—

8 (A) IN GENERAL.—The term “recreational
9 off-highway vehicle” or “ROV” means a motor-
10 ized off-highway vehicle designed to travel on
11 four or more tires, intended by the manufac-
12 turer for recreational use by one or more per-
13 sons and having the following characteristics:

14 (i) A steering wheel for steering con-
15 trol.

16 (ii) Foot controls for throttle and
17 service brake.

18 (iii) Non-straddle seating.

19 (iv) Maximum speed capability greater
20 than 30 miles per hour.

21 (v) Gross vehicle weight rating no
22 greater than 3,750 pounds.

23 (vi) Less than 80 inches in overall
24 width, exclusive of accessories.

1 (vii) Engine displacement equal to or
2 less than 61 cubic inches for gasoline
3 fueled engines.

4 (viii) Identification by means of a 17-
5 character personal or vehicle information
6 number.

7 (B) EXCLUSION.—Such term does not in-
8 clude a prototype of a motorized, off-highway,
9 all-terrain vehicle or other motorized, off-high-
10 way, all-terrain vehicle that is intended exclu-
11 sively for research and development purposes
12 unless the vehicle is offered for sale.

13 (b) NO MANDATORY STANDARDS REGARDING PER-
14 FORMANCE OR CONFIGURATION OF ROVs.—

15 (1) IN GENERAL.—The Consumer Product
16 Safety Commission shall have no authority to estab-
17 lish any standards concerning the performance or
18 configuration of recreational off-highway vehicles
19 until after the completion of the study required by
20 subsection (c). This prohibition includes a prohibi-
21 tion on the exercise of any authority pursuant to
22 section 27(e) of the Consumer Product Safety Act
23 (15 U.S.C. 2076(e)) to require ROV manufacturers
24 to provide performance and technical data to pro-

1 spective purchasers and to the first purchaser of an
2 ROV for purposes other than resale.

3 (2) VOLUNTARY STANDARDS.—Nothing in this
4 section shall be construed as suggesting that ROVs
5 shall not be manufactured in compliance with appli-
6 cable voluntary standards.

7 (c) STUDY ON PROPOSED LATERAL STABILITY AND
8 VEHICLE HANDLING REQUIREMENTS.—

9 (1) AGREEMENT.—

10 (A) IN GENERAL.—The Commission shall
11 seek to enter into an agreement with the Na-
12 tional Academy of Sciences to perform the serv-
13 ices covered by this subsection.

14 (B) TIMING.—The Commission shall seek
15 to enter into the agreement described in sub-
16 paragraph (A) not later than the latest date by
17 which the Commission considers reasonable for
18 the National Academy of Sciences to begin per-
19 forming the services covered by this subsection
20 and complete them before the date described in
21 paragraph (2)(D).

22 (2) STUDY.—

23 (A) IN GENERAL.—Under an agreement
24 between the Commission and the National
25 Academy of Sciences under this subsection, the

1 National Academy of Sciences shall conduct a
2 study on matters concerning the lateral stability
3 and vehicle handling requirements proposed by
4 the Commission in a notice of proposed rule-
5 making published in the Federal Register No-
6 vember 19, 2014 (79 Fed. Reg. 68964).

7 (B) ELEMENTS.—The study carried under
8 subparagraph (A) shall determine—

9 (i) the technical validity of the lateral
10 stability and vehicle handling requirements
11 described in subparagraph (A), for pur-
12 poses of reducing the risk of ROV rollovers
13 in the off-road environment, including the
14 repeatability and reproducibility of testing
15 for compliance with such requirements;

16 (ii) the number of ROV rollovers that
17 would be prevented if the proposed require-
18 ments were adopted;

19 (iii) whether there is a technical basis
20 for the proposal to provide information on
21 a point-of-sale hangtag about a vehicle's
22 rollover resistance on a progressive scale;
23 and

1 (iv) the effect on the utility of ROVs
2 used by the Armed Forces if the proposed
3 requirements were adopted.

4 (C) CONSULTATION.—In carrying out the
5 study pursuant to subparagraph (A), the Na-
6 tional Academy of Sciences shall consult with
7 the Administrator of the National Highway
8 Traffic Safety Administration and the Secretary
9 of Defense.

10 (D) DEADLINE AND REPORT.—In carrying
11 out the study pursuant to subparagraph (A),
12 the National Academy of Sciences shall com-
13 plete and transmit to the Commission a report
14 containing the findings of the study not later
15 than 2 years after the date of the enactment of
16 this Act.

17 (3) REPORT TO CONGRESS.—Not later than 5
18 days after receiving the report described in para-
19 graph (2)(D) from the National Academy of
20 Sciences, the Commission shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Energy and Com-
23 merce of the House of Representatives such report,
24 along with such comments as the Commission may
25 have concerning the report.

1 (4) CONSIDERATION.—The Commission shall
2 consider the results of the study conducted under
3 this subsection in any subsequent rulemaking re-
4 garding the performance or configuration of ROVs,
5 or the provision of point-of-sale information regard-
6 ing ROV performance.

7 (5) ALTERNATE CONTRACT ORGANIZATION.—

8 (A) IN GENERAL.—If the Commission is
9 unable within the period prescribed in para-
10 graph (1)(B) to enter into an agreement de-
11 scribed in paragraph (1)(A) with the National
12 Academy of Sciences on terms acceptable to the
13 Commission, the Commission shall seek to enter
14 into such an agreement with another appro-
15 priate organization that—

16 (i) is not part of the Government;

17 (ii) operates as a not-for-profit entity;

18 and

19 (iii) has expertise and objectivity com-
20 parable to that of the National Academy of
21 Sciences.

22 (B) TREATMENT.—If the Commission en-
23 ters into an agreement with another organiza-
24 tion as described in subparagraph (A), any ref-
25 erence in this section to the National Academy

1 of Sciences shall be treated as a reference to
2 the other organization.

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114TH CONGRESS
1ST SESSION

H. R. 792

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Acre In, Acre Out
5 Act”.

1 **SEC. 2. NO NET INCREASE IN CERTAIN FEDERAL LANDS.**

2 (a) IN GENERAL.—For acquisition of land by the
3 Secretary of the Interior or the Secretary of Agriculture
4 that would result in a net increase of total land acreage
5 under the jurisdiction of the National Park Service, the
6 United States Fish and Wildlife Service, the Bureau of
7 Land Management, or the Forest Service, the Secretary
8 concerned shall offer for sale an equal number of acres
9 of Federal land that is under the same jurisdictional sta-
10 tus.

11 (b) EXEMPTIONS.—Subsection (a) shall not apply to
12 easements acquired—

13 (1) by the Secretary of the Interior to facilitate
14 management of Federal lands; or

15 (2) by the Secretary of Agriculture to facilitate
16 management of Federal lands.

17 (c) CONSIDERATION.—

18 (1) IN GENERAL.—Land sold pursuant to sub-
19 section (a) shall be offered for sale—

20 (A) at fair market value (based on local
21 comparable sales); and

22 (B) at a price that is reduced by 10 per-
23 cent each month if the land is not sold or under
24 contract to be sold by the date that is 6 months
25 after the land was first offered for sale.

1 (2) EXCEPTION.—Time periods during which
2 land is under contract for sale or withdrawn from
3 the market shall not be counted for the purposes of
4 price reduction under paragraph (1)(B).

5 (d) EXISTING RIGHTS.—The sale of Federal lands
6 pursuant to this section shall be subject to valid existing
7 rights.

8 (e) PROCEEDS OF SALE OF LANDS.—All net proceeds
9 from the sale of Federal lands pursuant to this section
10 shall be deposited directly into the Treasury for reduction
11 of the public debt.

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114TH CONGRESS
1ST SESSION

H. R. 999

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. POMPEO (for himself, Mr. PETERSON, Mr. PAULSEN, Mr. HARPER, Mr. DUFFY, Mr. STEWART, Mr. KING of Iowa, Mr. SIMPSON, Mr. BENISHEK, Mr. KLINE, Mr. ZINKE, Mr. OLSON, Mrs. NOEM, Mr. AMODEI, and Mr. STIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) NO MANDATORY STANDARDS REGARDING PER-
4 FORMANCE OR CONFIGURATION OF ROVs.—

5 (1) IN GENERAL.—The Consumer Product
6 Safety Commission shall have no authority to estab-
7 lish any standards concerning the performance or
8 configuration of recreational off-highway vehicles
9 until after the completion of the study required by
10 subsection (b). This prohibition includes a prohibi-
11 tion on the exercise of any authority pursuant to
12 section 27(e) of the Consumer Product Safety Act
13 (15 U.S.C. 2076(e)) to require ROV manufacturers
14 to provide performance and technical data to pro-
15 spective purchasers and to the first purchaser of an
16 ROV for purposes other than resale.

17 (2) VOLUNTARY STANDARDS.—Nothing in this
18 section shall be construed as suggesting that ROVs
19 shall not be manufactured in compliance with appli-
20 cable voluntary standards.

21 (b) STUDY.—

22 (1) IN GENERAL.—The Commission shall con-
23 tract with the National Academy of Sciences to de-
24 termine—

25 (A) the technical validity of the lateral sta-
26 bility and vehicle handling requirements pro-

1 posed by the Commission in a notice of pro-
2 posed rulemaking published in the Federal Reg-
3 ister November 19, 2014 (79 Fed. Reg. 68964),
4 for purposes of reducing the risk of ROV roll-
5 overs in the off-road environment, including the
6 repeatability and reproducibility of testing for
7 compliance with such requirements;

8 (B) the number of ROV rollovers that
9 would be prevented if the proposed require-
10 ments were adopted;

11 (C) whether there is a technical basis for
12 the proposal to provide information on a point-
13 of-sale hangtag about a vehicle's rollover resist-
14 ance on a progressive scale; and

15 (D) the effect on the utility of ROVs used
16 by the Armed Forces if the proposed require-
17 ments were adopted.

18 (2) CONSULTATION AND DEADLINE FOR RE-
19 PORT.—The National Academy of Sciences shall
20 consult with the National Highway Traffic Safety
21 Administration and the Department of Defense in
22 carrying out the study required by this subsection.
23 The National Academy of Sciences shall complete
24 and transmit to the Commission a report containing

1 the findings of the study not later than two years
2 after the date of enactment of this Act.

3 (3) REPORT TO CONGRESS.—Within five days
4 of receiving the report described in paragraph (2)
5 from the National Academy of Sciences, the Com-
6 mission shall transmit the report, along with any
7 comments of the Commission, to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and to the Committee on Commerce, Science
10 and Transportation of the Senate.

11 (4) CONSIDERATION.—The Commission shall
12 consider the results of the study in any subsequent
13 rulemaking regarding the performance or configura-
14 tion of ROVs, or the provision of point-of-sale infor-
15 mation regarding ROV performance.

16 (c) DEFINITIONS.—As used in this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Consumer Product Safety Commission.

19 (2) RECREATIONAL OFF-HIGHWAY VEHICLE.—
20 The term “recreational off-highway vehicle” or
21 “ROV” means a motorized off-highway vehicle de-
22 signed to travel on four or more tires, intended by
23 the manufacturer for recreational use by one or
24 more persons and having the following characteris-
25 tics:

1 (A) A steering wheel for steering control.

2 (B) Foot controls for throttle and service
3 brake.

4 (C) Non-straddle seating.

5 (D) Maximum speed capability greater
6 than 30 miles per hour.

7 (E) Gross vehicle weight rating no greater
8 than 3,750 pounds.

9 (F) Less than 80 inches in overall width,
10 exclusive of accessories.

11 (G) Engine displacement equal to or less
12 than 61 cubic inches for gasoline fueled en-
13 gines.

14 (H) Identification by means of a 17-char-
15 acter personal or vehicle information number.

16 (3) EXCLUSION.—Such term does not include a
17 prototype of a motorized, off-highway, all-terrain ve-
18 hicle or other motorized, off-highway, all-terrain ve-
19 hicle that is intended exclusively for research and de-
20 velopment purposes unless the vehicle is offered for
21 sale.

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