

ASSEMBLY BILL

No. 1528

Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Cristina Garcia, Gomez, Gray, Lopez, Medina, Rendon, Ridley-Thomas, and Williams)

March 18, 2015

An act to add Section 424.6 to the Government Code, and to amend Sections 5003.6, 5008, 5008.5, 5071.7, 6232, 6311, 30411, and 30419 of, and to repeal Section 5044 of, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1528, as introduced, Committee on Water, Parks, and Wildlife. Public resources.

(1) Existing law declares the official state animal, rock, mineral, grass, insect, and bird, among other official things.

This bill would make lace lichen (*Ramalina menziesii*) the official state lichen.

(2) Existing law transferred the Department of Boating and Waterways into the Department of Parks and Recreation as a division of that department. Existing law renamed the Department of Fish and Game as the Department of Fish and Wildlife.

This bill would making conforming and other nonsubstantive changes, including repealing an obsolete provision.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Lichens are unique organisms that consist of a fungus and
4 an alga living together in a symbiotic relationship.

5 (b) Lichens are important for both wildlife and people. They
6 are used as a food source by a variety of animals. Many lichens
7 have antibacterial properties and have been used medicinally for
8 thousands of years.

9 (c) Lichens are known for their sensitivity to environmental
10 stressors and are used as biological indicators of air quality and
11 climate change around the world, including in California, which
12 is home to more than 1,900 species of lichens.

13 (d) *Ramalina menziesii*, commonly known as lace lichen, is a
14 common lichen found throughout much of California from the
15 northern to the southern border of the state, and as far as 130 miles
16 inland from the coast. Naming *Ramalina menziesii* as the official
17 state lichen of California will help promote appreciation, education,
18 and study of lichens in this state.

19 SEC. 2. Section 424.6 is added to the Government Code, to
20 read:

21 424.6. Lace lichen (*Ramalina menziesii*) is the official state
22 lichen.

23 SEC. 3. Section 5003.6 of the Public Resources Code is
24 amended to read:

25 5003.6. The planning, design, and construction of a boating
26 facility within the state park system shall be the responsibility of
27 ~~the Department of Boating and Waterways~~ *Division of Boating*
28 *and Waterways within the department* pursuant to ~~subdivision (c)~~
29 ~~of~~ Section 50 of the Harbors and Navigation Code.

30 SEC. 4. Section 5008 of the Public Resources Code is amended
31 to read:

32 5008. (a) The department shall protect the state park system
33 and the state vehicular recreation area and trail system from damage
34 and preserve the peace therein.

35 (b) The director may designate any officer or employee of the
36 department as a peace officer. The primary duties of the peace
37 officer shall be the enforcement of this division, Sections 4442
38 and 4442.5, the rules and regulations of the department, Chapter

1 5 (commencing with Section 650) of Division 3 of the Harbors
2 and Navigation Code, the rules and regulations of the ~~Department~~
3 ~~of Boating and Waterways~~, *Division of Boating and Waterways*
4 *within the department*, Chapter 2 (commencing with Section 9850)
5 of Division 3.5 of the Vehicle Code, and Division 16.5
6 (commencing with Section 38000) of the Vehicle Code and to
7 arrest persons for the commission of public offenses within the
8 property under its jurisdiction. The authority and powers of the
9 peace officer shall be limited to those conferred by law upon peace
10 officers listed in Section 830.2 of the Penal Code.

11 (c) The department shall protect property included in the
12 California recreational trail system and the property included in
13 the recreational trail system under Section 6 of Chapter 1234 of
14 the Statutes of 1980 from damage and preserve the peace therein.
15 The primary duties of any officer or employee designated a peace
16 officer under this section shall include enforcement of the rules
17 and regulations established by the department under subdivision
18 (l) of Section 6 of Chapter 1234 of the Statutes of 1980 and the
19 arrest of persons for the commission of public offenses within the
20 property included in the recreational trail system under Section 6
21 of Chapter 1234 of the Statutes of 1980.

22 (d) Any person who violates the rules and regulations established
23 by the department is guilty of a misdemeanor and upon conviction
24 shall be punished by imprisonment in the county jail not exceeding
25 90 days, or by a fine not exceeding one thousand dollars (\$1,000),
26 or by both that fine and imprisonment, except that at the time a
27 particular action is commenced, the judge may, considering the
28 recommendation of the prosecuting attorney, reduce the charged
29 offense from a misdemeanor to an infraction. Any person convicted
30 of the offense after such a reduction shall be punished by a fine of
31 not less than ten dollars (\$10) nor more than one thousand dollars
32 (\$1,000).

33 SEC. 5. Section 5008.5 of the Public Resources Code is
34 amended to read:

35 5008.5. In any prosecution charging a violation within any unit
36 of the state park system of the rules and regulations of the
37 department, Section 655.2 or Chapter 5 (commencing with Section
38 650) of Division 3 of the Harbors and Navigation Code, or the
39 rules and regulations of the ~~Department of Boating and Waterways~~,
40 *Division of Boating and Waterways within the department*, proof

1 by the people of the State of California that the vehicle or vessel
2 described in the complaint was parked or placed in violation of
3 any provision of these statutes or rules and regulations together
4 with proof that the defendant named in the complaint was, at the
5 time of the parking or placing, the registered owner of the vehicle
6 or vessel, shall constitute prima facie evidence that the registered
7 owner of the vehicle or vessel was the person who parked or placed
8 the vehicle or vessel at the point where, and for the time during
9 which, the violation occurred, but the proof that a person is the
10 registered owner of a vehicle or vessel is not prima facie evidence
11 that the person has violated any other provision of law. The above
12 provisions shall apply only when there has been compliance with
13 the procedure required by Article 3 (commencing with Section
14 40200) of Chapter 1 of Division 17 of the Vehicle Code. Proof of
15 a written lease of, or rental agreement for, a particular vehicle or
16 vessel described in the complaint, on the date and time of the
17 violation, which lease or rental agreement includes the name and
18 address of the person to whom the vehicle or vessel is leased or
19 rented, shall rebut the prima facie evidence that the registered
20 owner was the person who parked or placed the vehicle at the time
21 and place where the violation occurred.

22 Any charge under this section shall be dismissed when the person
23 charged has made a bona fide sale or transfer of the vehicle or
24 vessel and has delivered possession thereof to the purchaser and
25 has complied with the requirements of subdivision (a) or (b) of
26 Section 5602 of the Vehicle Code or with Section 710 of the
27 Harbors and Navigation Code prior to the date of the alleged
28 violation and has advised the court of the name and address of the
29 purchaser.

30 SEC. 6. Section 5044 of the Public Resources Code is repealed.

31 ~~5044. Notwithstanding any other provision of this chapter or~~
32 ~~any other provision of law, the term of any concession contract~~
33 ~~within Columbia Historic State Park in effect on the effective date~~
34 ~~of this section which expires before January 1, 1984, shall, at the~~
35 ~~request of the concessionaire, be extended by the department until~~
36 ~~January 1, 1984.~~

37 SEC. 7. Section 5071.7 of the Public Resources Code is
38 amended to read:

39 5071.7. (a) (1) In planning the system, the director shall
40 consult with and seek the assistance of the Department of

1 Transportation. The Department of Transportation shall plan and
2 design those trail routes that are in need of construction contiguous
3 to state highways and serve both a transportation and a recreational
4 need.

5 (2) The Department of Transportation shall install or supervise
6 the installation of signs along heritage corridors consistent with
7 the plan element developed pursuant to this section and Section
8 5073.1; provided, however, that it shall neither install nor supervise
9 the installation of those signs until it determines that it has available
10 to it adequate volunteers or funds, or a combination thereof, to
11 install or supervise the installation of the signs, or until the
12 Legislature appropriates sufficient funds for the installation or
13 supervision of installation, whichever occurs first.

14 (b) The element of the plan relating to boating trails and other
15 segments of the system which are oriented to waterways shall be
16 prepared and maintained by the ~~Department of Boating and~~
17 ~~Waterways~~ *Division of Boating and Waterways within the*
18 *Department of Parks and Recreation* pursuant to Article 2.6
19 (commencing with Section 68) of Chapter 2 of Division 1 of the
20 Harbors and Navigation Code. Those segments shall be integrated
21 with the California Protected Waterways Plan developed pursuant
22 to Chapter ~~1273~~ 1278 of the Statutes of 1968, and shall be planned
23 so as to be consistent with the preservation of rivers of the
24 California Wild and Scenic Rivers System, as provided in Chapter
25 1.4 (commencing with Section 5093.50) of this division.

26 (c) Any element of the plan relating to trails and areas for the
27 use of off/highway motor vehicles shall be prepared and maintained
28 by the Division of Off/Highway Motor Vehicle Recreation pursuant
29 to Chapter 1.25 (commencing with Section 5090.01).

30 (d) In planning the system, the director shall consult with and
31 seek the assistance of the Department of Rehabilitation,
32 representatives of its California Access Network volunteers, and
33 nonprofit disability access groups to assure that adequate provision
34 is made for publicizing the potential use of recreational trails,
35 including heritage corridors by physically disabled persons.

36 SEC. 8. Section 6232 of the Public Resources Code is amended
37 to read:

38 6232. The Secretary of the *Natural* Resources Agency shall
39 appoint the following members of the advisory panel, who shall
40 serve at the pleasure of the secretary:

- 1 (a) A representative of the ~~Department of Boating and~~
 2 ~~Waterways Division of Boating and Waterways within the~~
 3 ~~Department of Parks and Recreation.~~
- 4 (b) A representative of the Department of Conservation.
- 5 (c) A representative of the Department of Fish and ~~Game~~
 6 ~~Wildlife.~~
- 7 (d) The Executive Director of the California Coastal
 8 Commission or the executive director’s designee.
- 9 (e) A representative of the fish industry.
- 10 (f) A representative of the aquaculture industry.
- 11 (g) A representative of the ocean engineering industry.
- 12 (h) A representative of the University of California.
- 13 (i) A representative of the California State University.
- 14 (j) A representative of a private California institution of higher
 15 education that is participating in the National Sea Grant Program.
- 16 (k) A representative of the State Lands Commission.
- 17 (l) A representative of the Office of Environmental Health
 18 Hazard Assessment.
- 19 (m) A representative of the State Water Resources Control
 20 Board.
- 21 (n) A representative of the Office of Oil Spill Prevention and
 22 Response in the Department of Fish and ~~Game~~, *Wildlife*, designated
 23 by the administrator for oil spill response.
- 24 SEC. 9. Section 6311 of the Public Resources Code is amended
 25 to read:
- 26 6311. It is hereby declared to be the policy of this state that
 27 any grant of tidelands or submerged lands made after January 1,
 28 1971, within an area which has been designated by the ~~Department~~
 29 ~~of Boating and Waterways Division of Boating and Waterways~~
 30 ~~within the Department of Parks and Recreation~~ as the location of
 31 a small craft harbor of refuge, shall contain a reservation and
 32 condition requiring the grantee to submit a plan to the ~~Department~~
 33 ~~of Boating and Waterways Division of Boating and Waterways~~
 34 ~~within the Department of Parks and Recreation~~, within a reasonable
 35 period of time after the effective date of the grant, for the
 36 construction of facilities necessary or convenient for the use of the
 37 granted lands as a small craft harbor of refuge, and requiring the
 38 construction of facilities to be completed within a specified period
 39 of time after approval of the plan by the ~~Department of Boating~~

1 ~~and Waterways~~ *Division of Boating and Waterways* within the
2 *Department of Parks and Recreation*.

3 SEC. 10. Section 30411 of the Public Resources Code is
4 amended to read:

5 30411. (a) The Department of Fish and ~~Game~~ *Wildlife* and the
6 Fish and Game Commission are the principal state agencies
7 responsible for the establishment and control of wildlife and fishery
8 management programs and the commission shall not establish or
9 impose any controls with respect thereto that duplicate or exceed
10 regulatory controls established by these agencies pursuant to
11 specific statutory requirements or authorization.

12 (b) The Department of Fish and ~~Game~~, *Wildlife* in consultation
13 with the commission and the ~~Department of Boating and~~
14 ~~Waterways~~ *Division of Boating and Waterways* within the
15 *Department of Parks and Recreation*, may study degraded wetlands
16 and identify those which can most feasibly be restored in
17 conjunction with development of a boating facility as provided in
18 subdivision (a) of Section 30233. Any study conducted under this
19 subdivision shall include consideration of all of the following:

20 (1) Whether the wetland is so severely degraded and its natural
21 processes so substantially impaired that it is not capable of
22 recovering and maintaining a high level of biological productivity
23 without major restoration activities.

24 (2) Whether a substantial portion of the degraded wetland, but
25 in no event less than 75 percent, can be restored and maintained
26 as a highly productive wetland in conjunction with a boating
27 facilities project.

28 (3) Whether restoration of the wetland's natural values,
29 including its biological productivity and wildlife habitat features,
30 can most feasibly be achieved and maintained in conjunction with
31 a boating facility or whether there are other feasible ways to
32 achieve these values.

33 (c) The Legislature finds and declares that salt water or brackish
34 water aquaculture is a coastal-dependent use which should be
35 encouraged to augment food supplies and to further the policies
36 set forth in Chapter 4 (commencing with Section 825) of Division
37 1. The Department of Fish and ~~Game~~ *Wildlife* may identify coastal
38 sites it determines to be appropriate for aquaculture facilities. If
39 the ~~department~~ *Department of Fish and Wildlife* identifies these
40 sites, it shall transmit information identifying the sites to the

1 commission and the relevant local government agency. The
 2 commission, and where appropriate, local governments, shall,
 3 consistent with the coastal planning requirements of this division,
 4 provide for as many coastal sites identified by the Department of
 5 Fish and ~~Game~~ *Wildlife* for any uses that are consistent with the
 6 policies of Chapter 3 (commencing with Section 30200) of this
 7 division.

8 (d) Any agency of the state owning or managing land in the
 9 coastal zone for public purposes shall be an active participant in
 10 the selection of suitable sites for aquaculture facilities and shall
 11 make the land available for use in aquaculture when feasible and
 12 consistent with other policies of this division and other provisions
 13 of law.

14 SEC. 11. Section 30419 of the Public Resources Code is
 15 amended to read:

16 30419. The ~~Department of Boating and Waterways~~ *Division*
 17 *of Boating and Waterways within the Department of Parks and*
 18 *Recreation* is the principal state agency for evaluating the economic
 19 feasibility of any boating facility to be developed within the coastal
 20 zone.

21 If the economic viability of a boating facility becomes an issue
 22 in a coastal development permit matter or in a local coastal program
 23 or any amendment thereto, the commission shall request the
 24 ~~Department of Boating and Waterways~~ *Division of Boating and*
 25 *Waterways within the Department of Parks and Recreation* to
 26 provide comment, including, but not limited to, the analysis of
 27 costs associated with conditions of approval. In cases where the
 28 ~~Department of Boating and Waterways~~ *Division of Boating and*
 29 *Waterways within the Department of Parks and Recreation* desires
 30 to make any comment, it shall be made within 30 days of the
 31 commission’s request. The commission shall include the comment
 32 in its decision regarding a coastal development permit or local
 33 coastal program or any amendment thereto.