

**Assembly Bill No. 1528**

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Passed the Assembly April 30, 2015

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*Chief Clerk of the Assembly*

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Passed the Senate June 29, 2015

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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, 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.

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

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

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

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

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

(d) *Ramalina menziesii*, commonly known as lace lichen, is a common lichen found throughout much of California from the northern to the southern border of the state, and as far as 130 miles

inland from the coast. Naming *Ramalina menziesii* as the official state lichen of California will help promote appreciation, education, and study of lichens in this state.

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

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

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

5003.6. The planning, design, and construction of a boating facility within the state park system shall be the responsibility of the Division of Boating and Waterways within the department pursuant to Section 50 of the Harbors and Navigation Code.

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

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

(b) The director may designate any officer or employee of the department as a peace officer. The primary duties of the peace officer shall be the enforcement of this division, Sections 4442 and 4442.5, the rules and regulations of the department, Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, the rules and regulations of the Division of Boating and Waterways within the department, Chapter 2 (commencing with Section 9850) of Division 3.5 of the Vehicle Code, and Division 16.5 (commencing with Section 38000) of the Vehicle Code and to arrest persons for the commission of public offenses within the property under its jurisdiction. The authority and powers of the peace officer shall be limited to those conferred by law upon peace officers listed in Section 830.2 of the Penal Code.

(c) The department shall protect property included in the California recreational trail system and the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980 from damage and preserve the peace therein. The primary duties of any officer or employee designated a peace officer under this section shall include enforcement of the rules and regulations established by the department under subdivision (l) of Section 6 of Chapter 1234 of the Statutes of 1980 and the

arrest of persons for the commission of public offenses within the property included in the recreational trail system under Section 6 of Chapter 1234 of the Statutes of 1980.

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

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

5008.5. In any prosecution charging a violation within any unit of the state park system of the rules and regulations of the department, Section 655.2 or Chapter 5 (commencing with Section 650) of Division 3 of the Harbors and Navigation Code, or the rules and regulations of the Division of Boating and Waterways within the department, proof by the people of the State of California that the vehicle or vessel described in the complaint was parked or placed in violation of any provision of these statutes or rules and regulations together with proof that the defendant named in the complaint was, at the time of the parking or placing, the registered owner of the vehicle or vessel, shall constitute prima facie evidence that the registered owner of the vehicle or vessel was the person who parked or placed the vehicle or vessel at the point where, and for the time during which, the violation occurred, but the proof that a person is the registered owner of a vehicle or vessel is not prima facie evidence that the person has violated any other provision of law. The above provisions shall apply only when there has been compliance with the procedure required by Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code. Proof of a written lease of, or rental agreement for, a particular vehicle or vessel described in the complaint, on the date and time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle or vessel is leased or rented, shall rebut the prima facie evidence

that the registered owner was the person who parked or placed the vehicle at the time and place where the violation occurred.

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

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

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

5071.7. (a) (1) In planning the system, the director shall consult with and seek the assistance of the Department of Transportation. The Department of Transportation shall plan and design those trail routes that are in need of construction contiguous to state highways and serve both a transportation and a recreational need.

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

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

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

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

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

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

(a) A representative of the Division of Boating and Waterways within the Department of Parks and Recreation.

(b) A representative of the Department of Conservation.

(c) A representative of the Department of Fish and Wildlife.

(d) The Executive Director of the California Coastal Commission or the executive director's designee.

(e) A representative of the fish industry.

(f) A representative of the aquaculture industry.

(g) A representative of the ocean engineering industry.

(h) A representative of the University of California.

(i) A representative of the California State University.

(j) A representative of a private California institution of higher education that is participating in the National Sea Grant Program.

(k) A representative of the State Lands Commission.

(l) A representative of the Office of Environmental Health Hazard Assessment.

(m) A representative of the State Water Resources Control Board.

(n) A representative of the Office of Oil Spill Prevention and Response in the Department of Fish and Wildlife, designated by the administrator for oil spill response.

SEC. 9. Section 6311 of the Public Resources Code is amended to read:

6311. It is hereby declared to be the policy of this state that any grant of tidelands or submerged lands made after January 1,

1971, within an area which has been designated by the Division of Boating and Waterways within the Department of Parks and Recreation as the location of a small craft harbor of refuge, shall contain a reservation and condition requiring the grantee to submit a plan to the Division of Boating and Waterways within the Department of Parks and Recreation, within a reasonable period of time after the effective date of the grant, for the construction of facilities necessary or convenient for the use of the granted lands as a small craft harbor of refuge, and requiring the construction of facilities to be completed within a specified period of time after approval of the plan by the Division of Boating and Waterways within the Department of Parks and Recreation.

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

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

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

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

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

(3) Whether restoration of the wetland's natural values, including its biological productivity and wildlife habitat features, can most feasibly be achieved and maintained in conjunction with

a boating facility or whether there are other feasible ways to achieve these values.

(c) The Legislature finds and declares that salt water or brackish water aquaculture is a coastal-dependent use which should be encouraged to augment food supplies and to further the policies set forth in Chapter 4 (commencing with Section 825) of Division 1. The Department of Fish and Wildlife may identify coastal sites it determines to be appropriate for aquaculture facilities. If the Department of Fish and Wildlife identifies these sites, it shall transmit information identifying the sites to the commission and the relevant local government agency. The commission, and where appropriate, local governments, shall, consistent with the coastal planning requirements of this division, provide for as many coastal sites identified by the Department of Fish and Wildlife for any uses that are consistent with the policies of Chapter 3 (commencing with Section 30200) of this division.

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

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

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

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

















Approved \_\_\_\_\_, 2015

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*Governor*