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AB-1150 Parks, recreation, and vessels: omnibus. (2023-2024)

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Assembly Bill No. 1150**CHAPTER 831**

An act to amend Section 675 of the Harbors and Navigation Code, to amend Sections 5011 and 5072.8 of, and to add and repeal Section 5009.5 of, the Public Resources Code, and to amend Sections 9853 and 9860 of the Vehicle Code, relating to parks and recreation.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1150, Committee on Water, Parks, and Wildlife. Parks, recreation, and vessels: omnibus.

(1) Existing law requires the owner of a vessel, as described, to register the vessel in accordance with prescribed requirements governing the registration and transfer of vessels. Existing law requires vessel registration to be renewed every 2-year period, as specified. Existing law establishes a registration fee and a renewal fee for vessels, and imposes an additional fee, known as the quagga and zebra mussel infestation prevention fee, in specified amounts, as determined by the Division of Boating and Waterways in the Department of Parks and Recreation, on a vessel required to pay the registration fee or renewal fee.

This bill would separately distinguish the issuance and collection of the quagga and zebra mussel infestation and prevention fee from the registration fee and renewal fee for vessels, as specified. The bill would not prohibit the Department of Motor Vehicles from issuing registration or renewal registration of a vessel if the quagga and zebra mussel infestation and prevention fee has not been paid. The bill would authorize a vessel operator to be issued a citation for operating the vessel in nonmarine waters without a valid state-issued quagga and zebra mussel infestation and prevention fee sticker, as provided. To the extent that the bill would create a new infraction or expand an existing infraction, the bill would impose a state-mandated local program.

(2) Existing law authorizes the Department of Parks and Recreation to enter into various agreements, including agreements with private, nonprofit public benefit corporations or other private entities, as may be appropriate, to assist the department in its efforts to secure long-term private funding sources for any and all units of the state park system and to ensure that they are preserved and open for public use and enjoyment. Existing law provides that the authority to enter into those agreements shall include, but not be limited to, securing donations, memberships, corporate and individual sponsorships, and marketing and licensing agreements.

This bill, until January 1, 2029, would authorize the department, contingent upon the availability of its resources, to enter into community access agreements with eligible entities, defined as qualified nonprofit public benefit corporations and Native American tribes, as specified, to provide interpretive services and visitor services at units of the state parks system to underserved park users, as defined. The bill would require an eligible entity that enters into a community access agreement with the department to deliver interpretive services and visitor services to underserved park users consistent with the mission of the department and the resource values of the unit or units of the state park system. The bill would authorize a community access agreement to include free or reduced-cost access to the eligible entity and members of the public participating in interpretive

services and visitor services offered by the eligible entity at a unit or units of the state park system in furtherance of the agreement. The bill would require the department, on or before December 31, 2028, to submit a report to the Legislature on the implementation of these provisions.

(3) Existing federal law provides for allocation of federal funds to eligible states through the federal Temporary Assistance for Needy Families (TANF) block grant program. Existing state law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families.

Existing law authorizes the Department of Parks and Recreation to collect fees, rents, and other returns for use of any state park system area, as provided. Existing law establishes the "Golden Bear Pass" as a discount program available to persons who meet specified criteria for the use of state park facilities, including persons receiving aid under the CalWORKs program. Existing law requires the department to waive, until July 1, 2024, the \$5 fee to obtain the "Golden Bear Pass."

This bill would additionally authorize issuance of a "Golden Bear Pass" to any person receiving aid under the TANF program, as specified.

(4) The California Recreational Trails Act requires the Controller to transfer all money allocated to the state by the federal government pursuant to the Steve Symms National Recreational Trails Fund Act of 1991 to the Recreational Trails Fund. Existing law requires that the money in the fund be available, upon appropriation, to the Department of Parks and Recreation for competitive grants to cities, counties, districts, state and federal agencies, and nonprofit organizations with management responsibilities over public lands to acquire and develop recreational trails in accordance with that federal act. Existing law requires a specified portion of the money in the fund to be available only for nonmotorized recreational trails with at least $\frac{1}{2}$ of that portion only available for grants to cities, counties, districts, and nonprofit organizations with management responsibilities over public lands.

This bill would also require that the money in the fund be available for grants pursuant to these provisions to federally recognized California Native American tribes and nonfederally recognized California Native American tribes included on the contact list maintained by the Native American Heritage Commission. The bill would require the department, before disbursing a grant on or after January 1, 2024, to have a mechanism in place to recover a grant spent outside the terms of the recipient's grant agreement.

(5) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 675 of the Harbors and Navigation Code is amended to read:

675. (a) In addition to the fees imposed pursuant to paragraphs (1) and (2) of subdivision (b) of Section 9853 or Section 9860 of the Vehicle Code, there shall be a separate quagga and zebra mussel infestation prevention fee in an amount to be determined by the department as follows:

(1) If the quagga and zebra mussel infestation prevention fee is due between January 1 and December 31 of any even-numbered year, the fee shall not be more than ten dollars (\$10).

(2) If the quagga and zebra mussel infestation prevention fee is due between January 1 and December 31 of any odd-numbered year, the fee shall not be more than twenty dollars (\$20).

(3) Notwithstanding paragraphs (1) and (2), the quagga and zebra mussel infestation prevention fee imposed pursuant to Section 9860 of the Vehicle Code shall not be more than twenty dollars (\$20).

(b) In determining the amount of the fee imposed pursuant to subdivision (a), the department shall establish, and consult with, a technical advisory group consisting of interested persons, including, but not limited to, recreational boating and reservoir operation representatives. The members of the advisory group shall be appointed by the director.

(c) The department shall adopt emergency regulations to prescribe procedures for the collection and use of the quagga and zebra mussel infestation prevention fee for the purposes of this article. The emergency regulations shall include rules for administering the grants awarded pursuant to Section 676.

(d) All revenues collected from the fee established pursuant to this section shall be deposited into the Harbors and Watercraft Revolving Fund, and, upon appropriation by the Legislature, shall be expended solely for the purposes set forth in Section 676.

(e) The fee established pursuant to this section shall not apply to vessels that are used exclusively in marine waters.

(f) (1) Failure to pay the fee established pursuant to this section does not prohibit the Department of Motor Vehicles from issuing registration of a vessel.

(2) (A) A vessel operator may be issued a citation for operating a recreational vessel in nonmarine waters without a valid state-issued quagga and zebra mussel infestation prevention sticker.

(B) Notwithstanding subparagraph (A), a vessel that is exempt pursuant to Section 5211 of Title 14 of the California Code of Regulations shall not be cited pursuant to subparagraph (A).

SEC. 2. Section 5009.5 is added to the Public Resources Code, to read:

5009.5. (a) For purposes of this section, the following definitions apply:

(1) "Community access agreement" means an agreement entered into pursuant to this section that allows eligible entities to use property within the state park system and department personnel services to provide interpretive services and visitor services at units of the state parks system to underserved park users.

(2) "Eligible entity" means any of the following:

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

(B) A federally recognized Native American tribe.

(C) A California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

(3) "Interpretive services" means activities and programs that seek to help underserved park users to understand and connect with natural, cultural, and historic resources of the state park system and are not generally offered by the department.

(4) "Underserved park users" means populations who face barriers in accessing and using park services, and includes, but is not limited to, populations underserved because of geographic location, socioeconomic status, religion, special needs, such as language barriers, disabilities, immigration status, or age, sexual orientation, gender identity, and any other population determined to be underserved by the director.

(5) "Visitor services" means activities and programs that focus on facilitating opportunities for high-quality outdoor recreational services for underserved park users within a unit or units of the state park system.

(b) (1) Notwithstanding any other law, the department, as a means of furthering its mission to expand access to state parks and outdoor recreation to all, and contingent upon the availability of its resources, may enter into community access agreements with eligible entities to provide interpretive services and visitor services at units of the state parks system to underserved park users.

(2) An eligible entity that enters into a community access agreement with the department shall deliver interpretive services and visitor services to underserved park users consistent with the mission of the department and the resource values of the unit or units of the state park system where the interpretive services or visitor services are to be held.

(c) The department, at its discretion, may provide department personnel services and space, if available, for an eligible entity's outdoor equipment, services, or both, within a unit or units of the state park system.

(d) A community access agreement may include free or reduced-cost access to the eligible entity and members of the public participating in interpretive services and visitor services offered by the eligible entity at a unit or units of the state park system in furtherance of the agreement.

(e) All moneys collected or received by an eligible entity from interpretive services and visitor services provided pursuant to a community access agreement at a unit or units of the state park system shall be retained by or returned to the eligible entity.

(f) A community access agreement entered into pursuant to this section shall be a pilot project. The term of a community access agreement shall not exceed five years or the inoperative date of this section, whichever occurs first.

(g) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide a report to the Legislature on the implementation of this section on or before December 31, 2028. The report shall include all of the following information:

- (A) A list of units of the state park system with community access agreements.
- (B) A discussion of public benefits derived from community access agreements.
- (C) An accounting of the revenues and expenditures incurred pursuant to each community access agreement.
- (D) An assessment of the benefit to the state from community access agreements.
- (E) Any other relevant information or data collected during the operation of community access agreements.

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

(h) This section shall remain in effect only until January 1, 2029, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2029, deletes or extends that date.

SEC. 3. Section 5011 of the Public Resources Code is amended to read:

5011. (a) Any person receiving aid to the aged, blind, or disabled under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code, any person receiving aid under the federal Temporary Assistance for Needy Families (TANF) program under Part A of Title IV of the federal Social Security Act (42 U.S.C. Sec. 601 et seq.), any person receiving aid under the California Work Opportunity and Responsibility to Kids Act (CalWORKs program) under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any person over 62 years of age whose total monthly income from all sources, including any old age assistance payments, does not exceed the amount specified in subdivision (c) of Section 12200 of the Welfare and Institutions Code for a single person, or in subdivision (d) of that section for married persons, as adjusted pursuant to Section 12201 of that code, upon application therefor and payment of five dollars (\$5) to the Department of Parks and Recreation, shall be issued a "Golden Bear Pass" that is valid for the specified year and that entitles the bearer and spouse to free use on any day of the day-use facilities in units of the state park system, except Hearst San Simeon State Historical Monument, Sutter's Fort State Historic Park, and the California State Railroad Museum, under limitations as may be determined by departmental regulation regarding peak hours and contractual arrangements with vendors. The pass shall entitle the bearer and spouse to have access only to day-use facilities and not to the use of any other facilities.

(b) The department shall not grant half price privileges or offer any discount for the use of state park system facilities on the basis of the pass authorized by this section.

(c) Notwithstanding subdivision (b), the department shall develop and implement, on or before January 1, 1986, a senior discount program for the use of state park system facilities. The program may be modified after January 1, 1991, to include a "Golden Bear Senior Pass" available to any person over 62 years of age for an annual fee fixed by the department, valid for the specified year, and entitling the bearer and spouse to the use of day and camping facilities as specified by the department. The department shall set the fee for the "Golden Bear Senior Pass" and shall specify the facilities and times for which the pass is valid so as to minimize any loss in total annual park revenues to the department.

(d) (1) Notwithstanding subdivision (b), on and after July 1, 2021, the department shall waive the five-dollar (\$5) fee to obtain the "Golden Bear Pass" described in subdivision (a).

(2) This subdivision shall become inoperative on July 1, 2024.

SEC. 4. Section 5072.8 of the Public Resources Code is amended to read:

5072.8. (a) The Recreational Trails Fund is hereby created. Moneys in the Recreational Trails Fund shall be available, upon appropriation by the Legislature, to the department for competitive grants to cities, counties, districts, state and federal agencies, federally recognized California Native American tribes, nonfederally recognized California Native American tribes included on the contact list maintained by the Native American Heritage Commission, and nonprofit organizations with management responsibilities over public lands to acquire and develop recreational trails.

(b) The Controller shall promptly transfer all money received by the state from the federal government as allocations from the National Recreational Trails Trust Fund pursuant to the Steve Symms National Recreational Trails Fund Act of 1991 (P.L. 102-240) and deposited in the Federal Trust Fund, to the Recreational Trails Fund. The money in the Recreational Trails Fund shall be available to the department for expenditure, upon appropriation by the Legislature, for grants pursuant to subdivision (a), in accordance with the Steve Symms National Recreational Trails Fund Act of 1991. Seventy percent of the money received by the state from the federal government and transferred to the Recreational Trails Fund pursuant to this subdivision shall be available only for nonmotorized recreational trails with at least one-half of that amount available only for grants to cities, counties, districts, federally recognized California Native American tribes, nonfederally recognized California Native American tribes included on the contact list maintained by the Native American Heritage Commission, and nonprofit organizations for the acquisition and

development of new nonmotorized recreational trails and the reconstruction or relocation of existing nonmotorized recreational trails.

(c) The department shall prepare and adopt criteria and procedures for evaluating applications for grants, which, at a minimum, shall include certification that the project is consistent with the applicant's general plan or the equivalent planning document, complies with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) and other environmental protection laws and regulations, and is not required as a mitigation measure as a condition for a permit or other entitlement. The department shall forward to the Director of Finance for inclusion in the Governor's Budget of each fiscal year all projects that are recommended for funding and those projects shall be contained in the Budget Bill for that fiscal year.

(d) A grant shall not be made from the Recreational Trails Fund to an applicant unless the applicant agrees to both of the following conditions:

(1) To maintain and operate the property acquired, developed, rehabilitated, or restored with the funds in perpetuity. With the approval of the department, the applicant or its successors in interest in the property may transfer the responsibility to maintain and operate the property in accordance with this section. In the case of lands not held in fee by the applicant (limited tenure projects), perpetuity shall be in accordance with the tenure or for the length of time sufficient to provide public benefits commensurate with the type and duration of interest in land held by the applicant.

(2) To use the property only for the purposes of the grant and to make no other use, sale, or other disposition or conversion of the property except as authorized by a specific act of the Legislature and the property shall be replaced with property of equivalent value and usefulness as determined by the department. The property acquired or developed may be transferred to another public agency if the successor agency assumes the obligations imposed under this chapter.

(e) All applicants for a grant pursuant to this section shall submit an application to the department for approval. Each application shall include in writing the conditions specified in paragraphs (1) and (2) of subdivision (d).

(f) The department, before dispersing a grant pursuant to this section on or after January 1, 2024, shall have a mechanism in place to recover a grant spent outside the terms of the recipient's grant agreement.

SEC. 5. Section 9853 of the Vehicle Code is amended to read:

9853. (a) The owner of each vessel requiring numbering by this state shall file an initial application for a number with the department or with an agent authorized by the department on forms approved by the department. The forms shall be prepared in cooperation with the Division of Boating and Waterways. The application shall contain the true name and address of the owner, the true name and address of the legal owner, if any, and the hull identification number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of nine dollars (\$9), in addition to the fees required under subdivision (b).

(b) (1) Whenever the fee for original registration of a vessel becomes due between January 1 and December 31 of any even-numbered year, the application shall be accompanied by a fee of ten dollars (\$10), in addition to any other fees that are then due and payable.

(2) Whenever the fee for original registration of a vessel becomes due, or is filed with the department, between January 1 and December 31 of any odd-numbered year, the application shall be accompanied by a fee of twenty dollars (\$20) in addition to any other fees that are then due and payable.

(c) (1) The department shall collect, separate from the original registration fee, a quagga and zebra mussel infestation prevention fee in an amount established by the Division of Boating and Waterways pursuant to Section 675 of the Harbors and Navigation Code.

(2) Failure to pay the quagga and zebra vessel infestation prevention fee described in paragraph (1) does not prohibit the department from issuing registration of a vessel.

(3) (A) A vessel operator may be issued a citation for operating a recreational vessel in nonmarine waters without a valid state-issued quagga and zebra mussel infestation prevention sticker.

(B) Notwithstanding subparagraph (A), a vessel that is exempt pursuant to Section 5211 of Title 14 of the California Code of Regulations shall not be cited pursuant to subparagraph (A).

(d) The department shall provide documentation of its administrative costs pursuant to this section to the Division of Boating and Waterways.

SEC. 6. Section 9860 of the Vehicle Code is amended to read:

9860. (a) Certificates of number shall be renewed before midnight of the expiration date by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the department.

(b) The fee for renewal shall be twenty dollars (\$20) for each two-year period, and shall accompany the request for renewal.

(c) If the certificate of number and potential registration card are unavailable, the fee specified in Section 9867 shall not be paid.

(d) (1) The department shall collect, separate from the fee for renewal, a quagga and zebra mussel infestation prevention fee in an amount established by the Department of Boating and Waterways pursuant to Section 675 of the Harbors and Navigation Code.

(2) Failure to pay the fee described in this subdivision does not prohibit the department from issuing renewal registration of the vessel.

(3) (A) A vessel operator may be issued a citation for operating the vessel in nonmarine waters without a valid state-issued quagga and zebra mussel infestation prevention sticker.

(B) Notwithstanding subparagraph (A), a vessel that is exempt pursuant to Section 5211 of Title 14 of the California Code of Regulations shall not be cited pursuant to subparagraph (A).

(e) The department shall provide documentation of its administrative costs pursuant to this section to the Department of Boating and Waterways.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.