

## Senate Bill No. 1051

### CHAPTER 254

An act to amend Sections 2201, 2205, 2211, 3752, 10231, and 10239 of the Public Resources Code, relating to conservation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 26, 2007. Filed with  
Secretary of State September 26, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1051, Committee on Natural Resources and Water. Conservation.

(1) Existing law requires the California Geological Survey (CGS) in the Department of Conservation to carry out programs that will reduce the loss of life and property by mitigating geologic hazards. Existing law authorizes the State Geologist to conduct, with city and county governments, or federal agencies, large-scale geological investigations for specified purposes.

The bill additionally would require CGS to carry out programs that will protect the environment by mitigating geologic hazards, and would make related changes.

The bill would revise and recast the State Geologist's investigation authorization, to authorize the State Geologist to conduct geological investigations, studies, and other activities for specified purposes, with governmental and nongovernmental entities. The bill also would authorize the State Geologist to enter into agreements that may provide funding for activities of the CGS and for the activities of the Department of Conservation that are directly related to the activities of the CGS.

The bill would make other related changes, concerning the activities of the Department of Conservation.

(2) Existing law generally provides that all the well records of an owner or operator that are filed in a specified manner are public records for purposes of the California Public Records Act, unless the owner or operator requests that the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation maintain the records as confidential information for a specified period of time.

The bill would revise the period of time for which the records are required to be maintained as confidential.

(3) The California Farmland Conservancy Program Act establishes a program for grants to applicants for the acquisition of agricultural conservation easements or fee title. The act requires direct costs paid to an applicant to have been incurred after the application was submitted to the Department of Conservation. In order to receive grant funds, an applicant for a grant for acquisition of fee title is required to agree to reimburse a specified fund within 30 days of sale of the fee title, by a specified amount.

The bill would specify that the submitted application is required to be complete, and would specify that the reimbursement is required to be directly from escrow.

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

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

SECTION 1. Section 2201 of the Public Resources Code is amended to read:

2201. The division shall carry out programs, in cooperation with federal, state, and local government agencies, that will reduce the loss of life and property, and protect the environment, by mitigating geologic hazards. Specific activities to be carried out by the division include, but are not limited to, all of the following:

(a) Hazard assessment, including identification and mapping of geologic hazards and estimates of their potential consequences to life, property, and the environment, and likelihood of occurrence.

(b) Information and advisory services, including the maintenance of a geologic library, a public education program, maintenance of a geologic data base, review functions, and expert consulting to federal, state, and local government agencies.

(c) Emergency response to geologic hazards, including, but not limited to, those related to natural disasters, including monitoring and assessment of anomalous geologic activity, and operation of a clearinghouse for postevent earth science investigations.

(d) Development and application of mitigation methods, including identifying state research needs, facilitating needed research, and expediting the application of new research results to public policy and all division activities related to geologic hazards.

SEC. 2. Section 2205 of the Public Resources Code is amended to read:

2205. The State Geologist may:

(a) Make, facilitate, and encourage special studies of the mineral resources, mineral industries, and geology of the state.

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Conduct, with governmental and nongovernmental entities, geological investigations, studies, and other activities for purposes, including, but not limited to, the timely identification, delineation, and assessment of geological hazards and their potential consequences.

(d) Identify and delineate deposits of mineral raw materials in order to prevent their loss to urban encroachment and to assist in their ultimate utilization; and enter into, as the need arises, cooperative agreements, for geological or mineral industry investigations, with cities, cities and counties,

counties, federal agencies, and universities, which may provide for cost-sharing or cooperative funding.

(e) Maintain a laboratory to provide support to the division staff and to conduct such other investigations in the line of physical and chemical testing and analysis and mineral identification as may be required in the execution of the plans and operations of the division under this chapter.

(f) Issue from time to time reports and maps concerning the geology of this state and the statistics and technology of the mineral industries of this state, including results of investigations in mineral resources conservation practices, the use and recycling of scrap mineral products, the control, disposal, reclamation, and utilization of mining and mineral processing waste products, and the reclamation of mined lands.

(g) Conduct, with cities or counties, other state agencies, universities, federal agencies, or private industry, investigations in mining and metallurgy, including the use and recycling of scrap mineral products, and land use practices as these apply to mineral resources conservation, and enter into, as the need arises, cooperative or contractual agreements for those investigations that may provide for cost-sharing or cooperative funding.

(h) Conduct, with cities and counties, other state agencies, universities, federal agencies, or private industry, investigations in the study and development of methods for the control, disposal, reclamation, and utilization of mining and mineral processing waste products and the reclamation of mined lands, and enter into, as the need arises, cooperative or contractual agreements for those investigations, that may provide for cost-sharing or cooperative funding.

(i) Enter into, as the need arises, agreements, including contracts, grant agreements, and cooperative agreements, with cities, counties, federal agencies, nongovernmental entities, and universities, that may provide funding for activities of the California Geological Survey and for the activities of the department that are directly related to the activities of the California Geological Survey. For purposes of this subdivision and subdivision (c), “nongovernmental entities” include, but are not limited to, private academic institutions and nonprofit organizations.

SEC. 3. Section 2211 of the Public Resources Code is amended to read:

2211. The department is the primary state agency responsible for geologic hazard review and investigation, including, but not limited to, investigation of geologic hazards that may occur in relation to natural disasters. In that capacity, the department is responsible for the seismological, geological, and strong motion aspects of earthquake and other geological hazards investigations.

SEC. 4. Section 3752 of the Public Resources Code is amended to read:

3752. (a) (1) Except as otherwise provided in this section, all the well records, including production records, of an owner or operator that are filed pursuant to this chapter are public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(2) Those records are public records when filed with the division, unless the owner or operator requests, in writing, that the division maintain the well records as confidential information. The confidential period shall not exceed five years from the cessation of drilling operations as specified in subdivision (e).

(3) Well records that are maintained as confidential information by the division shall be open to inspection by those persons whom the owner or operator authorizes in writing. Confidential status shall not apply to state officers charged with regulating well operations, the director, or as provided in subdivision (c).

(4) On receipt by the supervisor of a written request documenting extenuating circumstances relating to a particular well, including a well on an expired or terminated lease, the supervisor may extend the period of confidentiality for six months. The total period of confidentiality, including all extensions, shall not exceed seven years from the cessation of drilling operations as specified in subdivision (e), unless the director approves a longer period after a 30-day public notice and comment period. The director shall initiate and conduct a public hearing on receipt of a written complaint.

(b) Notwithstanding subdivision (a), the well records shall become public records when the supervisor is notified that the lease has expired or terminated.

(c) Production reports filed pursuant to Section 3745 shall be open to inspection by the State Board of Equalization or its duly appointed representative when making a survey pursuant to Section 1815 of the Revenue and Taxation Code or when valuing state-assessed property pursuant to Section 755 of the Revenue and Taxation Code, and by the assessor of the county in which a well referred to in Section 3745 is located.

(d) For the purposes of this section, “well records” does not include either experimental logs and tests or interpretive data not generally available to all operators, as defined by the supervisor by regulation.

(e) For purposes of this section, the cessation of drilling operations occurs on the date of removal of drilling machinery from the well site.

SEC. 5. Section 10231 of the Public Resources Code is amended to read:

10231. Money available from the fund shall be utilized in accordance with the expenditures and distribution authorized, required, or otherwise provided in the program for grants for the acquisition of agricultural conservation easements or fee title. This includes direct costs incidental to the acquisition, as determined by the department, including costs associated with a loss in property tax revenues resulting from the acquisition of those agricultural conservation easements. Direct costs paid to the applicant shall have been incurred after the complete application was submitted to the department and no more than 180 days before the execution of the grant agreement or during the grant term, and shall not exceed 10 percent of the value of the easements for which the costs were incurred.

SEC. 6. Section 10239 of the Public Resources Code is amended to read:

10239. The director shall disburse funds to an applicant for a grant for the acquisition of fee title to agricultural land only if the applicant agrees to all of the following conditions:

(a) Upon acquisition of the property, treat the property as encumbered by an agricultural conservation easement subject to this division and approved by the department.

(b) Sell the fee title subject to an agricultural conservation easement approved by the department to a private landowner within three years of the acquisition of the fee title.

(c) Reimburse the fund directly from escrow within 30 days after the sale of the restricted fee title by an amount equal to the department's proportional share of the net proceeds of the sale.

(1) The "net proceeds of the sale" is defined as the fair market value of the land less the value of the easement and associated transaction costs.

(2) The department's proportional share of the net proceeds of the sale shall be calculated using a factor reflecting the department's proportional share of the purchase price paid by the applicant in the original acquisition of fee title, taking into account contributions from all sources toward that original purchase price.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that public safety is adequately protected, it is necessary that this act take effect immediately.