

ASSEMBLY BILL

No. 2761

**Introduced by Committee on Natural Resources (Skinner (Chair),
Gilmore (Vice Chair), Brownley, Chesbro, De Leon, Hill,
Huffman, and Logue)**

February 23, 2010

An act to amend Section 2205 of, and to repeal Section 3102 of, the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2761, as introduced, Committee on Natural Resources. Natural resources: Department of Conservation.

Under existing law, the State Geologist is the head of the California Geological Survey in the Department of Conservation. The State Geologist advises the Director of Conservation regarding technical, scientific, and engineering issues, including the scientific quality of the division's products and activities. Existing law authorizes the State Geologist to perform various activities.

This bill would revise the existing authority of the State Geologist to contract with governmental and nongovernmental entities to provide funding for services and resources provided to those entities by the California Geological Survey. The bill would also define "governmental entities" and "nongovernmental entities" for purposes of the general contracting authority of the State Geologist.

Existing law provides that the Attorney General is the legal advisor for the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation. Existing law requires the Attorney General to perform or provide legal services for the division as it may require.

This bill would repeal that provision.

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 2205 of the Public Resources Code is
2 amended to read:
3 2205. (a) The State Geologist may *do all of the following*:
4 (a)
5 (1) Make, facilitate, and encourage special studies of the mineral
6 resources, mineral industries, and geology of the state.
7 (b)
8 (2) Collect statistics concerning the occurrence and production
9 of the economically important minerals and the methods pursued
10 in making their valuable constituents available for commercial
11 use.
12 (c)
13 (3) Conduct, with governmental and nongovernmental entities,
14 geological investigations, studies, and other activities for purposes,
15 including, but not limited to, the timely identification, delineation,
16 and assessment of geological hazards and their potential
17 consequences.
18 (d)
19 (4) Identify and delineate deposits of mineral raw materials in
20 order to prevent their loss to urban encroachment and to assist in
21 their ultimate utilization; and enter into, as the need arises,
22 cooperative agreements, for geological or mineral industry
23 investigations, with cities, cities and counties, counties, federal
24 agencies, and universities, ~~which~~ *that* may provide for cost-sharing
25 or cooperative funding.
26 (e)
27 (5) Maintain a laboratory to provide support to the division staff
28 and to conduct ~~such~~ other investigations in the line of physical and
29 chemical testing and analysis and mineral identification as may
30 be required in the execution of the plans and operations of the
31 division under this chapter.
32 (f)
33 (6) Issue from time to time reports and maps concerning the
34 geology of ~~this~~ *the* state and the statistics and technology of the
35 mineral industries of ~~this~~ *the* state, including results of

1 investigations in mineral resources conservation practices, the use
2 and recycling of scrap mineral products, the control, disposal,
3 reclamation, and utilization of mining and mineral processing
4 waste products, and the reclamation of mined lands.

5 ~~(g)~~

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

13 ~~(h)~~

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

22 ~~(i)~~

23 (9) Enter into, as the need arises, agreements; including, *but not*
24 *limited to*, contracts, grant agreements, and cooperative agreements,
25 ~~with cities, cities and counties, counties, federal agencies,~~
26 ~~nongovernmental entities, and universities; governmental and~~
27 ~~nongovernmental entities~~ that may provide funding for activities
28 of the California Geological Survey and for the activities of the
29 department that are directly related to the activities of the California
30 Geological Survey. ~~For purposes of this subdivision and~~
31 ~~subdivision (c), “nongovernmental entities” include, but are not~~
32 ~~limited to, private academic institutions and nonprofit~~
33 ~~organizations. Activities that may be funded include, but are not~~
34 ~~limited to, technical, analytic, and research services related to~~
35 ~~geologic hazards and resources that the California Geological~~
36 ~~Survey may provide directly to those entities.~~

37 (b) For purposes of this section, the following definitions shall
38 apply:

1 (1) “Governmental entities” include, but are not limited to,
2 cities, counties, special districts, school districts, state agencies,
3 federal agencies, public hospitals, colleges, and universities.

4 (2) “Nongovernmental entities” include, but are not limited to,
5 private academic institutions, nonprofit organizations, and private
6 hospitals.

7 SEC. 2. Section 3102 of the Public Resources Code is repealed.

8 ~~3102. The Attorney General shall be the legal advisor for the~~
9 ~~division and shall perform or provide such legal services for the~~
10 ~~division as it may require. The cost of all such legal services shall~~
11 ~~be a charge against and shall be paid from the money or funds~~
12 ~~appropriated or made available by law for the support of the~~
13 ~~division. All money so paid shall be deposited in the State treasury~~
14 ~~to the credit and in augmentation of the current appropriation for~~
15 ~~the support of the Attorney General’s office, to be expended in~~
16 ~~accordance with law, for the support of that office.~~