

AMENDED IN SENATE JUNE 3, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2761

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

February 23, 2010

An act to amend ~~Section 2205~~ Sections 2205, 4799.09, and 4799.11 of, and to repeal Section 3102 of, the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

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

~~Under~~

(1) *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~~

(2) 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.

(3) *The California Urban Forestry Act of 1978 authorizes the Department of Forestry and Fire Protection to implement a program in urban forestry for specified purposes. The act defines “urban forestry” for its purposes as the cultivation and management of trees in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society. The act authorizes the department and other state agencies to assist local tree maintenance programs by making surplus equipment available on loan where feasible for regional and local urban forestry efforts.*

This bill would revise the definition of “urban forestry” to refer to native or introduced trees and related vegetation instead of only trees. The bill would revise the authorization for equipment loaning to instead authorize the department and other state agencies to assist local tree maintenance and green waste utilization programs by making equipment available on loan where feasible and not detrimental to department or other state agency operations, and would require the equipment to be used only to support regional or local urban forestry efforts consistent with the act.

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 (1) Make, facilitate, and encourage special studies of the mineral
- 5 resources, mineral industries, and geology of the state.
- 6 (2) Collect statistics concerning the occurrence and production
- 7 of the economically important minerals and the methods pursued
- 8 in making their valuable constituents available for commercial
- 9 use.
- 10 (3) Conduct, with governmental and nongovernmental entities,
- 11 geological investigations, studies, and other activities for purposes,

1 including, but not limited to, the timely identification, delineation,
2 and assessment of geological hazards and their potential
3 consequences.

4 (4) Identify and delineate deposits of mineral raw materials in
5 order to prevent their loss to urban encroachment and to assist in
6 their ultimate utilization; and enter into, as the need arises,
7 cooperative agreements, for geological or mineral industry
8 investigations, with cities, cities and counties, counties, federal
9 agencies, and universities that may provide for cost-sharing or
10 cooperative funding.

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

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

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

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

38 (9) Enter into, as the need arises, agreements including, but not
39 limited to, contracts, grant agreements, and cooperative agreements,
40 with governmental and nongovernmental entities that may provide

1 funding for activities of the California Geological Survey and for
2 the activities of the department that are directly related to the
3 activities of the California Geological Survey. Activities that may
4 be funded include, but are not limited to, technical, analytic, and
5 research services related to geologic hazards and resources that
6 the California Geological Survey may provide directly to those
7 entities.

8 (b) For purposes of this section, the following definitions shall
9 apply:

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

13 (2) “Nongovernmental entities” include, but are not limited to,
14 private academic institutions, nonprofit organizations, and private
15 hospitals.

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

17 SEC. 3. Section 4799.09 of the Public Resources Code is
18 amended to read:

19 4799.09. As used in this chapter *the following terms have the*
20 *following meanings:*

21 (a) “Disadvantaged community” means a community with a
22 median household income less than 80 percent of the statewide
23 average.

24 (b) “Severely disadvantaged community” means a community
25 with a median household income less than 60 percent of the
26 statewide average.

27 (c) “Urban forestry” means the cultivation and management of
28 ~~trees~~ *native or introduced trees and related vegetation* in urban
29 areas for their present and potential contribution to the economic,
30 physiological, sociological, and ecological well-being of urban
31 society.

32 (d) “Urban forest” means those native or introduced trees and
33 related vegetation in the urban and near-urban areas, including,
34 but not limited to, urban watersheds, soils and related habitats,
35 street trees, park trees, residential trees, natural riparian habitats,
36 and trees on other private and public properties.

37 (e) “Urban area” means an urban place, as that term is defined
38 by the United States Department of Commerce, of 2,500 or more
39 persons.

1 SEC. 4. Section 4799.11 of the Public Resources Code is
2 amended to read:

3 4799.11. (a) The department shall provide technical assistance
4 to urban areas with respect to *all of the following*:

5 (1) Planning for regional, county, and local land use analysis
6 projects related to urban forestry.

7 (2) Preparation of urban tree plans and the selection of trees in
8 large-scale landscaping and reforestation efforts.

9 (3) Development and coordination of training programs for
10 neighborhood and local agency tree planting and maintenance
11 crews.

12 (4) Advice to cities, counties, districts, and regional entities,
13 homeowner neighborhood groups, and nonprofit organizations on
14 tree disease, insect problems, tree planting, and maintenance.

15 (5) The role of forest ecology in planning for the future of urban
16 areas, including climate change and greenhouse gas emission
17 reductions, air quality, watershed problems, and energy
18 conservation.

19 (6) Retention of native trees and riparian habitats.

20 (7) Any other matter relating to the purposes of this chapter.

21 (b) The department and other state agencies are also authorized
22 to assist local tree maintenance *and green waste utilization*
23 programs by making ~~surplus~~ equipment available on loan where
24 ~~feasible for regional and local urban forestry efforts, including~~
25 ~~nonprofit organizations involved in urban tree care and not~~
26 ~~detrimental to department or other state agency operations. That~~
27 ~~equipment may be used only to support regional or local urban~~
28 ~~forestry efforts consistent with this chapter, including by nonprofit~~
29 ~~organizations involved in urban tree care or urban green waste~~
30 ~~utilization efforts.~~