

Assembly Bill No. 2761

Passed the Assembly August 30, 2010

Chief Clerk of the Assembly

Passed the Senate August 27, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend 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, Committee on Natural Resources. Natural resources.

(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.

(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.

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

SECTION 1. Section 2205 of the Public Resources Code is amended to read:

2205. (a) The State Geologist may do all of the following:

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

(2) 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.

(3) 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.

(4) 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 that may provide for cost-sharing or cooperative funding.

(5) Maintain a laboratory to provide support to the division staff and to conduct 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.

(6) Issue from time to time reports and maps concerning the geology of the state and the statistics and technology of the mineral

industries of the 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.

(7) 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.

(8) 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.

(9) Enter into, as the need arises, agreements including, but not limited to, contracts, grant agreements, and cooperative agreements, with governmental and nongovernmental entities 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. Activities that may be funded include, but are not limited to, technical, analytic, and research services related to geologic hazards and resources that the California Geological Survey may provide directly to those entities.

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

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

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

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 Section 3102 of the Public Resources Code is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The role of forest ecology in planning for the future of urban areas, including climate change and greenhouse gas emission

reductions, air quality, watershed problems, and energy conservation.

(6) Retention of native trees and riparian habitats.

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

(b) The department and other state agencies are also authorized 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. That equipment may be used only to support regional or local urban forestry efforts consistent with this chapter, including by nonprofit organizations involved in urban tree care or urban green waste utilization efforts.

Approved _____, 2010

Governor