

ASSEMBLY BILL

No. 2254

Introduced by Assembly Member Gallegos

February 24, 2000

An act to amend Sections 662, 663, and 2757 of, and to add Section 2736 to, the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

AB 2254, as introduced, Gallegos. Surface mining and reclamation.

Existing law establishes the State Mining and Geology Board, consisting of 9 members appointed by the Governor. Existing law prohibits any member of the board from participating in any action of the board or attempt to influence any decision of the board that involves himself or herself, or any person with whom he or she is connected, as a director, officer, paid consultant, or full-time or part-time employee, or in which he or she has a financial interest, as defined.

This bill would prohibit more than $\frac{1}{3}$ of the members of the board from being currently employed by, or receiving compensation from, entities that own or operate mines. The bill would also prohibit a member of the board from participating in any action of the board, or attempting to influence any action of the board, if the action involves a mining entity, or successor to that entity that formerly employed the member, or for which the member served as an officer or in any other capacity.

Existing law, the Surface Mining and Reclamation Act of 1975, governs surface mining operations and the reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies to persons engaging in surface mining operations. The act requires the board to adopt regulations that establish state policy for the reclamation of mined lands, and requires that the state policy adopted by the board be based upon factors that significantly affect the present and future conditions of mined lands, that the state policy be used as the standard by lead agencies in preparing specific and general plans, and specifies that the policy shall include, among other things, objectives and criteria for the orderly evaluation of reclamation plans.

This bill would additionally require that the state policy provide that the ultimate alternative land uses for which mined lands are required to be reclaimed shall be established in a lead agency’s specific and general plans, thereby imposing a state-mandated local program.

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. State-mandated local program: yes.

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

1 SECTION 1. Section 662 of the Public Resources
2 Code is amended to read:
3 662. (a) One member of the board shall be a
4 registered geologist with background and experience in
5 mining geology; one member shall be a mining engineer
6 with background and experience in mining minerals in
7 California; one member shall have background and
8 experience in groundwater hydrology, water quality, and
9 rock chemistry; one member shall be a representative of
10 local government with background and experience in



1 urban planning; one member shall have background and
2 experience in the field of environmental protection or
3 the study of ecosystems; one member shall be a registered
4 geologist, registered geophysicist, registered civil
5 engineer, or registered structural engineer with
6 background and experience in seismology; one member
7 shall be a landscape architect with background and
8 experience in soil conservation or revegetation of
9 disturbed soils; one member shall have background and
10 experience in mineral resource conservation,
11 development, and utilization; and one member shall not
12 be required to have specialized experience.

13 (b) All members of the board shall represent the
14 general public interest, *but not more than one-third of all*
15 *of the members at any time may be currently employed*
16 *by, or receive compensation from, entities that own or*
17 *operate mines.*

18 SEC. 2. Section 663 of the Public Resources Code is
19 amended to read:

20 663. (a) No member of the board shall participate in
21 any action of the board or attempt to influence any
22 decision of the board that involves himself or herself, or
23 any person with whom he or she is connected, as a
24 director, officer, paid consultant, or full-time or part-time
25 employee, or in which he or she has a financial interest
26 within the meaning of Section 87103 of the Government
27 Code.

28 (b) No board member shall participate in any
29 proceeding before any state or local agency as a
30 consultant or in any other capacity on behalf of any
31 person who engages in surface mining operations.

32 (c) *No member of the board may participate in any*
33 *action of the board, or attempt to influence any action of*
34 *the board, if the action involves a mining entity or*
35 *successor to that entity that formerly employed the*
36 *member, or for which the member served as an officer or*
37 *in any other capacity.*

38 (d) Upon request of any person, or on his or her own
39 initiative, the Attorney General may file a complaint in
40 the superior court for the county in which the board has



1 its principal office alleging that a board member has
2 knowingly violated this section, alleging the facts upon
3 which the allegation is based, and asking that the member
4 be removed from office. Further proceedings shall be in
5 accordance as nearly as practicable with rules governing
6 civil actions. If after trial the court finds that the board
7 member has knowingly violated this section it shall order
8 the member removed from office.

9 SEC. 3. Section 2736 is added to the Public Resources
10 Code, to read:

11 2736. "Useable condition that is readily adaptable for
12 alternative land uses" means a condition of land that will
13 permit the ultimate adaptation of the reclaimed land to
14 multiple alternative land uses, including recreational and
15 conservation uses, as established in the lead agency's
16 general plan.

17 SEC. 4. Section 2757 of the Public Resources Code is
18 amended to read:

19 2757. The state policy adopted by the board shall be
20 based upon a study of the factors that significantly affect
21 the present and future condition of mined lands, and shall
22 be used as standards by lead agencies in preparing
23 specific and general plans, including the conservation
24 and land use elements of the general plan and zoning
25 ordinances. The state policy shall not include aspects of
26 regulating surface mining operations ~~which~~ *that* are
27 solely of local concern, and not of statewide or regional
28 concern, as determined by the board, such as, but not
29 limited to, hours of operation, noise, dust, fencing, and
30 purely aesthetic considerations. *In addition, the state
31 policy shall provide that the ultimate alternative land
32 uses for which the mined land is required to be reclaimed
33 shall be established in the lead agency's specific and
34 general plans.*

35 SEC. 5. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because a local agency or school district has
38 the authority to levy service charges, fees, or assessments
39 sufficient to pay for the program or level of service



1 mandated by this act, within the meaning of Section 17556
2 of the Government Code.

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