

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 380

Introduced by Assembly Member Dickinson

February 14, 2013

An act to amend Sections 21080.5, 21083.9, 21092, 21092.2, 21092.3, 21108, 21152, and 21161 of the Public Resources Code, relating to the California Environmental Quality Act.

LEGISLATIVE COUNSEL'S DIGEST

AB 380, as amended, Dickinson. California Environmental Quality Act: notice requirements

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA authorizes the Secretary of the Natural Resources Agency to certify a regulatory program that meets specified requirements. CEQA provides that written documentation required by those certified regulatory programs may be submitted in lieu of an EIR. CEQA requires an administering agency to file with the secretary a notice of decision made pursuant to the certified regulatory program, which is required

to be available for public inspection. CEQA requires a lead agency to call a scoping meeting for specified projects and provide a notice of the meeting to specified entities. CEQA requires the lead agency or a project proponent to file a notice of approval or determination with Office of Planning and Research if the lead agency is a state agency or the county clerk if the lead agency is a local agency. CEQA requires a public agency that has completed an EIR to file with the Office of Planning and Research a notice of completion.

CEQA requires a lead agency determining that an EIR is required for a project to send a notice of that determination to specified public agencies. CEQA requires a lead agency preparing an EIR, a negative declaration, or making a specified determination regarding a subsequent project to provide a public notice within a reasonable time period before the certification of the EIR, or the adoption of a negative declaration, or making the specified determination. CEQA requires those notices to be posted in the office of the county clerk in each county in which the project is located and requires the notices to remain posted for 30 days. CEQA requires the county clerk to post the notice within 24 hours of receipt.

This bill would additionally require the ~~above-mentioned~~ *above-mentioned* notices to be filed with both the Office of Planning and Research and the county clerk and be posted by *the* county clerk for public review. The bill would require the county clerk to post the notices within one business day, as defined, of receipt and stamp on the notice the date on which the notices were actually posted. By expanding the services provided by the lead agency and the county clerk, this bill would impose a state-mandated local program. The bill would require the county clerk to post the notices for at least 30 days. The bill would require the Office of Planning and Research to post the notices on a publicly available online database established and maintained by the office. The bill would require the office to stamp the notices with the date on which the notices were actually posted for online review and would require the notices to be posted for at least 30 days. The bill would ~~authorize the office to charge an administrative fee not to exceed \$10 per notice filed.~~ The bill would specify that a time period or limitation ~~periods~~ *period* specified by CEQA does not commence until the notices are actually posted for public review by the county clerk ~~or is and are~~ available in the online database, ~~whichever is later and if the notices are posted on different days, the time period shall run from the~~

date of the posting on the online database. The bill would require the notice of determination to be filed solely by the lead agency.

(2) CEQA authorizes, for a project that is determined by a state agency to be exempted from the requirements of CEQA, a state agency or a project proponent to file a notice of determination with the Office of Planning and Research. CEQA authorizes, for a project that is determined by a local agency to be exempted from the requirements of CEQA, a local agency or a project proponent to file a notice of determination with the county clerk of the county in which the project is located.

This bill would ~~require that~~ *authorize this* notice of determination to be filed with both the Office of Planning and Research and the county clerk. By requiring a county clerk to receive and post that notice of determination filed by a state agency, this bill would impose a state-mandated local program. The bill would provide that *the* notice of determination be filed by the lead agency only.

(3) 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 21080.5 of the Public Resources Code
2 is amended to read:

3 21080.5. (a) Except as provided in Section 21158.1, when the
4 regulatory program of a state agency requires a plan or other written
5 documentation containing environmental information and
6 complying with paragraph (3) of subdivision (d) to be submitted
7 in support of an activity listed in subdivision (b), the plan or other
8 written documentation may be submitted in lieu of the
9 environmental impact report required by this division if the
10 Secretary of the Natural Resources Agency has certified the
11 regulatory program pursuant to this section.

12 (b) This section applies only to regulatory programs or portions
13 thereof that involve either of the following:

1 (1) The issuance to a person of a lease, permit, license,
2 certificate, or other entitlement for use.

3 (2) The adoption or approval of standards, rules, regulations,
4 or plans for use in the regulatory program.

5 (c) A regulatory program certified pursuant to this section is
6 exempt from Chapter 3 (commencing with Section 21100), Chapter
7 4 (commencing with Section 21150), and Section 21167, except
8 as provided in Article 2 (commencing with Section 21157) of
9 Chapter 4.5.

10 (d) To qualify for certification pursuant to this section, a
11 regulatory program shall require the utilization of an
12 interdisciplinary approach that will ensure the integrated use of
13 the natural and social sciences in decisionmaking and that shall
14 meet all of the following criteria:

15 (1) The enabling legislation of the regulatory program does both
16 of the following:

17 (A) Includes protection of the environment among its principal
18 purposes.

19 (B) Contains authority for the administering agency to adopt
20 rules and regulations for the protection of the environment, guided
21 by standards set forth in the enabling legislation.

22 (2) The rules and regulations adopted by the administering
23 agency for the regulatory program do all of the following:

24 (A) Require that an activity will not be approved or adopted as
25 proposed if there are feasible alternatives or feasible mitigation
26 measures available that would substantially lessen a significant
27 adverse effect that the activity may have on the environment.

28 (B) Include guidelines for the orderly evaluation of proposed
29 activities and the preparation of the plan or other written
30 documentation in a manner consistent with the environmental
31 protection purposes of the regulatory program.

32 (C) Require the administering agency to consult with all public
33 agencies that have jurisdiction, by law, with respect to the proposed
34 activity.

35 (D) Require that final action on the proposed activity include
36 the written responses of the issuing authority to significant
37 environmental points raised during the evaluation process.

38 (E) Require the filing of a notice of the decision by the
39 administering agency on the proposed activity pursuant to Section
40 21092.3.

1 (F) Require notice of the filing of the plan or other written
2 documentation to be posted pursuant to Section 21092.3 and made
3 to the public and to a person who requests, in writing, notification.
4 The notification shall be made in a manner that will provide the
5 public or a person requesting notification with sufficient time to
6 review and comment on the filing.

7 (3) The plan or other written documentation required by the
8 regulatory program does both of the following:

9 (A) Includes a description of the proposed activity with
10 alternatives to the activity, and mitigation measures to minimize
11 any significant adverse effect on the environment of the activity.

12 (B) Is available for a reasonable time for review and comment
13 by other public agencies and the general public.

14 (e) (1) The Secretary of the Natural Resources Agency shall
15 certify a regulatory program that the secretary determines meets
16 all the qualifications for certification set forth in this section, and
17 withdraw certification on determination that the regulatory program
18 ~~has been altered so that it~~ no longer meets those qualifications.
19 Certification and withdrawal of certification shall occur only after
20 compliance with Chapter 3.5 (commencing with Section 11340)
21 of Part 1 of Division 3 of Title 2 of the Government Code.

22 (2) In determining whether or not a regulatory program meets
23 the qualifications for certification set forth in this section, the
24 inquiry of the secretary shall extend only to the question of whether
25 the regulatory program meets the generic requirements of
26 subdivision (d). The inquiry may not extend to individual decisions
27 to be reached under the regulatory program, including the nature
28 of specific alternatives or mitigation measures that might be
29 proposed to lessen any significant adverse effect on the
30 environment of the activity.

31 (3) If the secretary determines that the regulatory program
32 submitted for certification does not meet the qualifications for
33 certification set forth in this section, the secretary shall adopt
34 findings setting forth the reasons for the determination.

35 (f) After a regulatory program has been certified pursuant to
36 this section, a proposed change in the program that could affect
37 compliance with the qualifications for certification specified in
38 subdivision (d) may be submitted to the Secretary of the Natural
39 Resources Agency for review and comment. The scope of the
40 secretary's review shall extend only to the question of whether the

1 regulatory program meets the generic requirements of subdivision
2 (d). The review may not extend to individual decisions to be
3 reached under the regulatory program, including specific
4 alternatives or mitigation measures that might be proposed to lessen
5 any significant adverse effect on the environment of the activity.
6 The secretary shall have 30 days from the date of receipt of the
7 proposed change to notify the state agency whether the proposed
8 change will alter the regulatory program so that it no longer meets
9 the qualification for certification established in this section and
10 will result in a withdrawal of certification as provided in this
11 section.

12 (g) An action or proceeding to attack, review, set aside, void,
13 or annul a determination or decision of a state agency approving
14 or adopting a proposed activity under a regulatory program that
15 has been certified pursuant to this section on the basis that the plan
16 or other written documentation prepared pursuant to paragraph (3)
17 of subdivision (d) does not comply with this section shall be
18 commenced not later than 30 days from the date of the filing of
19 notice of the approval or adoption of the activity.

20 (h) (1) An action or proceeding to attack, review, set aside,
21 void, or annul a determination of the Secretary of the Natural
22 Resources Agency to certify a regulatory program pursuant to this
23 section on the basis that the regulatory program does not comply
24 with this section shall be commenced within 30 days from the date
25 of certification by the secretary.

26 (2) In an action brought pursuant to paragraph (1), the inquiry
27 shall extend only to whether there was a prejudicial abuse of
28 discretion by the secretary. Abuse of discretion is established if
29 the secretary has not proceeded in a manner required by law or if
30 the determination is not supported by substantial evidence.

31 (i) For purposes of this section, a county agricultural
32 commissioner is a state agency.

33 (j) For purposes of this section, an air quality management
34 district or air pollution control district is a state agency, except
35 that the approval, if any, by a district of a nonattainment area plan
36 is subject to this section only if, and to the extent that, the approval
37 adopts or amends rules or regulations.

38 (k) (1) The secretary, by July 1, 2004, shall develop a protocol
39 for reviewing the prospective application of certified regulatory
40 programs to evaluate the consistency of those programs with the

1 requirements of this division. Following the completion of the
2 development of the protocol, the secretary shall provide a report
3 to the Senate Committee on Environmental Quality and the
4 Assembly Committee on Natural Resources regarding the need
5 for a grant of additional statutory authority authorizing the secretary
6 to undertake a review of the certified regulatory programs.

7 (2) The secretary may update the protocol, and may update the
8 report provided to the legislative committees pursuant to paragraph
9 (1) and provide, in compliance with Section 9795 of the
10 Government Code, the updated report to those committees if
11 additional statutory authority is needed.

12 (3) The secretary shall provide a significant opportunity for
13 public participation in developing or updating the protocol
14 described in paragraph (1) or (2) including, but not limited to, at
15 least two public meetings with interested parties. A notice of each
16 meeting shall be provided at least 10 days prior to the meeting to
17 a person who files a written request for a notice with the agency
18 and to the Senate Committee on Environmental Quality and the
19 Assembly Committee on Natural Resources.

20 SEC. 2. Section 21083.9 of the Public Resources Code is
21 amended to read:

22 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
23 21153, a lead agency shall call at least one public scoping meeting
24 for either of the following:

25 (1) A proposed project that may affect highways or other
26 facilities under the jurisdiction of the Department of Transportation
27 if the meeting is requested by the department. The lead agency
28 shall call the scoping meeting as soon as possible, but not later
29 than 30 days after receiving the request from the Department of
30 Transportation.

31 (2) A project of statewide, regional, or areawide significance.

32 (b) The lead agency shall provide notice of at least one scoping
33 meeting held pursuant to paragraph (2) of subdivision (a) by
34 posting a notice of meeting pursuant to Section 21092.3, and
35 providing copies of the notice to all of the following:

36 (1) A county or city that borders on a county or city within
37 which the project is located, unless otherwise designated annually
38 by agreement between the lead agency and the county or city.

39 (2) A responsible agency.

1 (3) A public agency that has jurisdiction by law with respect to
 2 the project.

3 (4) A transportation planning agency or public agency required
 4 to be consulted pursuant to Section 21092.4.

5 (5) A public agency, organization, or individual who has filed
 6 a written request for the notice.

7 (c) For a public agency, organization, or individual that is
 8 required to be provided notice of a lead agency public meeting,
 9 the requirement for notice of a scoping meeting pursuant to
 10 subdivision (b) may be met by including the notice of a scoping
 11 meeting in the public meeting notice.

12 (d) A scoping meeting that is held in the city or county within
 13 which the project is located pursuant to the federal National
 14 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)
 15 and the regulations adopted pursuant to that act shall be deemed
 16 to satisfy the requirement that a public scoping meeting be held
 17 for a project subject to paragraph (2) of subdivision (a) if the lead
 18 agency meets the notice requirements of subdivision (b) or
 19 ~~subdivision (c)~~.

20 (e) The referral of a proposed action to adopt or substantially
 21 amend a general plan to a city or county pursuant to paragraph (1)
 22 of subdivision (a) of Section 65352 of the Government Code may
 23 be conducted concurrently with the public scoping meeting required
 24 pursuant to this section, and the city or county may submit its
 25 comments as provided pursuant to subdivision (b) of that section
 26 at the public scoping meeting.

27 (f) *This section does not prohibit the holding of a public scoping*
 28 *meeting during the posting period required by Section 21092.3.*

29 SEC. 3. Section 21092 of the Public Resources Code is
 30 amended to read:

31 21092. (a) A lead agency that is preparing an environmental
 32 impact report or a negative declaration or making a determination
 33 pursuant to subdivision (c) of Section 21157.1 shall provide public
 34 notice of that fact within a reasonable period of time prior to
 35 certification of the environmental impact report, adoption of the
 36 negative declaration, or making the determination pursuant to
 37 subdivision (c) of Section 21157.1.

38 (b) (1) The notice shall specify the period during which
 39 comments will be received on the draft environmental impact
 40 report or negative declaration, and shall include the date, time, and

1 place of any public meetings or hearings on the proposed project,
2 a brief description of the proposed project and its location, the
3 significant effects on the environment, if any, anticipated as a result
4 of the project, the address where copies of the draft environmental
5 impact report or negative declaration, and all documents referenced
6 in the draft environmental impact report or negative declaration,
7 are available for review, and a description of how the draft
8 environmental impact report or negative declaration can be
9 provided in an electronic format.

10 (2) This section shall not be construed in any manner that results
11 in the invalidation of an action because of the alleged inadequacy
12 of the notice content if there has been substantial compliance with
13 the notice content requirements of this section.

14 (3) The notice required by this section shall be filed and posted
15 pursuant to Section 21092.3 and given to the last known name and
16 address of all organizations and individuals who have previously
17 requested notice, and shall also be given by at least one of the
18 following procedures:

19 (A) Publication, no fewer times than required by Section 6061
20 of the Government Code, by the public agency in a newspaper of
21 general circulation in the area affected by the proposed project. If
22 more than one area will be affected, the notice shall be published
23 in the newspaper of largest circulation from among the newspapers
24 of general circulation in those areas.

25 (B) Posting of notice by the lead agency on- and off-site in the
26 area where the project is to be located.

27 (C) Direct mailing to the owners and occupants of contiguous
28 property shown on the latest equalized assessment roll.

29 (c) For a project involving the burning of municipal wastes,
30 hazardous waste, or refuse-derived fuel, including, but not limited
31 to, tires, meeting the qualifications of subdivision (d), notice shall
32 be given to all organizations and individuals who have previously
33 requested notice and shall also be given by at least the procedures
34 specified in subparagraphs (A), (B), and (C) of paragraph (3) of
35 subdivision (b). In addition, notification shall be given by direct
36 mailing to the owners and occupants of property within one-fourth
37 of a mile of any parcel or parcels on which is located a project
38 subject to this subdivision.

39 (d) The notice requirements of subdivision (c) apply to both of
40 the following:

1 (1) The construction of a new facility.

2 (2) The expansion of an existing facility that burns hazardous
3 waste which would increase its permitted capacity by more than
4 10 percent. For purposes of this paragraph, the amount of expansion
5 of an existing facility shall be calculated by comparing the
6 proposed facility capacity with whichever of the following is
7 applicable:

8 (A) The facility capacity approved in the facility’s hazardous
9 waste facilities permit pursuant to Section 25200 of the Health and
10 Safety Code or its grant of interim status pursuant to Section
11 25200.5 of the Health and Safety Code, or the facility capacity
12 authorized in any state or local agency permit allowing the
13 construction or operation of a facility for the burning of hazardous
14 waste, granted before January 1, 1990.

15 (B) The facility capacity authorized in the facility’s original
16 hazardous waste facilities permit, grant of interim status, or any
17 state or local agency permit allowing the construction or operation
18 of a facility for the burning of hazardous waste, granted on or after
19 January 1, 1990.

20 (e) The notice requirements specified in subdivision (b) or (c)
21 shall not preclude a public agency from providing additional notice
22 by other means if the agency so desires, or from providing the
23 public notice required by this section at the same time and in the
24 same manner as public notice otherwise required by law for the
25 project.

26 SEC. 4. Section 21092.2 of the Public Resources Code is
27 amended to read:

28 21092.2. (a) The notices required pursuant to Sections 21080.4,
29 21080.5, 21083.9, 21092, 21108, 21152, and 21161 shall be mailed
30 to every person who has filed a written request for notices with
31 either the clerk of the governing body or, if there is no governing
32 body, the director of the agency. If the agency offers to provide
33 the notices by email, upon filing a written request for notices, a
34 person may request that the notices be provided to him or her by
35 email. The request may also be filed with any other person
36 designated by the governing body or director to receive these
37 requests. The agency may require requests for notices to be
38 annually renewed. The public agency may charge a fee, except to
39 other public agencies, that is reasonably related to the costs of
40 providing this service.

1 (b) Subdivision (a) shall not be construed in any manner that
2 results in the invalidation of an action because of the failure of a
3 person to receive a requested notice, if there has been substantial
4 compliance with the requirements of this section.

5 (c) The notices required pursuant to Sections 21080.4 and 21161
6 shall be provided by the State Clearinghouse to any legislator in
7 whose district the project has an environmental impact, if the
8 legislator requests the notice and the State Clearinghouse has
9 received it.

10 SEC. 5. Section 21092.3 of the Public Resources Code is
11 amended to read:

12 21092.3. (a) The notices required pursuant to Sections 21080.4,
13 21080.5, 21083.9, 21092, 21108, 21152, and 21161 shall be posted
14 in the office of the county clerk of each county in which the project
15 will be located and shall remain posted for a period of at least 30
16 days of the full duration of any statutory time period under this
17 division the notice may commence, whichever is longer. The
18 county clerk shall post the notices within one business day of
19 receipt and shall stamp on the notice the date on which it was
20 actually posted for public review.

21 (b) The notices required pursuant to Sections 21080.4, 21080.5,
22 21083.9, 21092, 21108, 21152, and 21161 shall be filed with, and
23 posted on a publicly available, online database established and
24 maintained by the Office of Planning and Research. The online
25 database shall include the capability to view and download the
26 notices in the form filed with the Office of Planning and Research.
27 Notices filed in the online database shall be stamped by the Office
28 of Planning and Research with the date on which they were actually
29 posted for online review by the public, and shall remain posted
30 for a period of at least 30 days or the duration of any time period
31 the notice may commence, whichever is longer. The Office of
32 Planning and Research shall post the notices in its online database
33 within one business day of receipt. ~~The Office of Planning and
34 Research may require the agency filing the notice to pay an
35 administrative fee not to exceed ten dollars (\$10) per notice filed
36 for the purposes of maintaining its online database and
37 implementing its duties under this section.~~ The agency filing the
38 notice may recover its filing costs from the person specified in
39 subdivision (b) or (c) of Section 21065, as reflected in the agency's
40 record of proceedings.

1 (c) Any time periods ~~of~~ *or* limitation periods established under
2 this division that are subject to the notices posted under this section
3 shall not commence until the ~~notice is~~ *notices are* actually posted
4 for public review by the county clerk and in the online database
5 maintained by the Office of Planning and Research. If the county
6 clerk and the Office of Planning and Research ~~posts~~ *post* the notice
7 on different days, the time period shall run from the date of ~~the~~
8 ~~later posting~~ *posting on the online database maintained by the*
9 *Office of Planning and Research.*

10 (d) For the purposes of this ~~section~~ *division*, “business days”
11 does not include Saturday, Sunday, or a day observed as a holiday
12 by the state government.

13 SEC. 6. Section 21108 of the Public Resources Code is
14 amended to read:

15 21108. (a) If a state agency approves or determines to carry
16 out a project that is subject to this division, the state agency shall
17 file notice of that approval or that determination with the Office
18 of Planning and Research and with the county clerk of each county
19 in which the project will be located. The notice shall identify the
20 person or persons in subdivision (b) or (c) of Section 21065, as
21 reflected in the agency’s record of proceedings, and indicate the
22 determination of the state agency whether the project will, or will
23 not, have a significant effect on the environment and shall indicate
24 whether an environmental impact report has been prepared pursuant
25 to this division.

26 (b) If a state agency determines that a project is not subject to
27 this division pursuant to subdivision (b) of Section 21080 or
28 Section 21172, and the state agency approves or determines to
29 carry out the project, the state agency may file notice of the
30 determination with the county clerk of each county in which the
31 project will be located and the Office of Planning and Research.
32 A notice filed pursuant to this subdivision shall identify the person
33 or persons in subdivision (b) or (c) of Section 21065, as reflected
34 in the agency’s record of proceedings. ~~A notice filed pursuant to~~
35 ~~this subdivision by a person specified in subdivision (b) or (c) of~~
36 ~~Section 21065 shall have a certificate of determination attached~~
37 ~~to it issued by the state agency responsible for making the~~
38 ~~determination that the project is not subject to this division pursuant~~
39 ~~to subdivision (b) of Section 21080 or pursuant to Section 21172.~~

1 ~~The certificate of determination may be in the form of a certified~~
2 ~~copy of an existing document or record of the state agency.~~

3 SEC. 7. Section 21152 of the Public Resources Code is
4 amended to read:

5 21152. (a) If a local agency approves or determines to carry
6 out a project that is subject to this division, the local agency shall
7 file notice of the approval or the determination within five working
8 days after the approval or determination becomes final, with the
9 county clerk of each county in which the project will be located
10 and with the Office of Planning and Research. The notice shall
11 identify the person or persons in subdivision (b) or (c) of Section
12 21065, as reflected in the agency's record of proceedings, and
13 indicate the determination of the local agency whether the project
14 will, or will not, have a significant effect on the environment and
15 shall indicate whether an environmental impact report has been
16 prepared pursuant to this division. The notice shall also include
17 certification that the final environmental impact report, if one was
18 prepared, together with comments and responses, is available to
19 the general public.

20 (b) If a local agency determines that a project is not subject to
21 this division pursuant to subdivision (b) of Section 21080 or
22 pursuant to Section 21172, and the local agency approves or
23 determines to carry out the project, the local agency may file a
24 notice of the determination with the county clerk of each county
25 in which the project will be located and the Office of Planning and
26 Research. A notice filed pursuant to this subdivision shall identify
27 the person or persons in subdivision (b) or (c) of Section 21065,
28 as reflected in the agency's record of proceedings. ~~A notice filed~~
29 ~~pursuant to this subdivision shall have a certificate of determination~~
30 ~~attached to it issued by the local agency responsible for making~~
31 ~~the determination that the project is not subject to this division~~
32 ~~pursuant to subdivision (b) of Section 21080 or Section 21172.~~
33 ~~The certificate of determination may be in the form of a certified~~
34 ~~copy of an existing document or record of the local agency.~~

35 SEC. 8. Section 21161 of the Public Resources Code is
36 amended to read:

37 21161. Whenever a public agency has completed an
38 environmental impact report, it shall cause a notice of completion
39 of that report to be filed with the county clerk of each county in
40 which the project will be located and the Office of Planning and

1 Research. The notice of completion shall briefly identify the project
2 and shall indicate that an environmental impact report has been
3 prepared. The notice of completion shall identify the project
4 location by latitude and longitude. Failure to file the notice required
5 by this section shall not affect the validity of a project.

6 SEC. 9. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 a local agency or school district has the authority to levy service
9 charges, fees, or assessments sufficient to pay for the program or
10 level of service mandated by this act, within the meaning of Section
11 17556 of the Government Code.

O