

AMENDED IN SENATE JULY 2, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2963**

**Introduced by Assembly Member Firestone**

February 23, 1996

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An act to amend Sections 1601, 1603, and 2090 of the Fish and Game Code, to amend Section 66632.2 of the Government Code, to amend Sections ~~5024, 5024.5,~~ and Section 30600 of, and to add Section 21080.33 to, the Public Resources Code, and to amend Section ~~13260~~ 13269 of the Water Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2963, as amended, Firestone. Environmental quality.

(1) Existing law requires a governmental agency or public utility to submit prescribed plans and other information to the Department of Fish and Game and to follow prescribed procedures concerning a project that will affect a river, stream, or lake, except certain emergency work. Violation is a misdemeanor.

Existing law, the California Environmental Quality Act, requires a lead agency to prepare an environmental impact report on a project which it proposes to carry out or approve that may have a significant effect on the environment, as defined, unless the project is exempt from the act. Other provisions require the lead agency to consult with the Department of Fish and Game in prescribed instances relative to endangered or threatened species.

Existing law requires a permit to be obtained from the San Francisco Bay Conservation and Development Commission in prescribed instances.

~~Existing law requires each state agency to submit to the State Historic Preservation Officer for comment documentation for any project that may affect historical resources, as specified, and imposes related requirements and prohibitions.~~

Existing law requires a coastal development permit to be obtained for any development in the coastal zone.

Existing law requires specified persons to file a report with the appropriate California regional water quality control board in prescribed instances relating to the discharge of waste, *requires the regional board to take prescribed action, and prohibits specified conduct respecting those discharges.*

This bill would exempt from all of those requirements *specified emergency* projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway which is damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, and would exempt certain *other* emergency activities from certain of those requirements. The bill would create a state-mandated local program by imposing new duties on local agencies with regard to determining the applicability of, and filing and posting notice of, the exemption, and by creating new crimes.

(2) 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 specified reasons.

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. (a) The Legislature hereby finds and  
2 declares that the maintenance of a sound state highway  
3 system is declared to be of the utmost interest to the



1 people of the state. Safe, available, and sound highways  
2 are essential to the people of the state.

3 (b) Accordingly, it is the intent of the Legislature that  
4 any highway damaged by fire, flood, storm, earthquake,  
5 or landslide should be repaired as quickly as possible to  
6 ensure the smooth flow of traffic and prevent  
7 unnecessary inconvenience and delay.

8 SEC. 2. Section 1601 of the Fish and Game Code is  
9 amended to read:

10 1601. (a) Except as provided in this section, general  
11 plans sufficient to indicate the nature of a project for  
12 construction by, or on behalf of, any state or local  
13 governmental agency or any public utility shall be  
14 submitted to the department if the project will (1) divert,  
15 obstruct, or change the natural flow or the bed, channel,  
16 or bank of any river, stream, or lake designated by the  
17 department in which there is at any time an existing fish  
18 or wildlife resource or from which these resources derive  
19 benefit, (2) use material from the streambeds designated  
20 by the department, or (3) result in the disposal or  
21 deposition of debris, waste, or other material containing  
22 crumbled, flaked, or ground pavement where it can pass  
23 into any river, stream, or lake designated by the  
24 department. If an existing fish or wildlife resource may be  
25 substantially adversely affected by that construction, the  
26 department shall notify the governmental agency or  
27 public utility of the existence of the fish or wildlife  
28 resource together with a description thereof and shall  
29 propose reasonable modifications in the proposed  
30 construction that will allow for the protection and  
31 continuance of the fish or wildlife resource, including  
32 procedures to review the operation of those protective  
33 measures. The proposals shall be submitted within 30 days  
34 from the date of receipt of the plans, with the provision  
35 that the time period may be extended by mutual  
36 agreement. Upon a determination by the department  
37 and after notice to the affected parties of the necessity for  
38 an onsite investigation, or upon the request for an onsite  
39 investigation by the affected parties, the department  
40 shall make an onsite investigation of the proposed



1 construction and shall make the investigation before it  
2 proposes any modifications.

3 (b) (1) Within 14 days from the date of receipt of the  
4 department's proposals, the affected agency or public  
5 utility shall notify the department in writing whether the  
6 proposals are acceptable, except that the time period may  
7 be extended by mutual agreement. If the proposals are  
8 not acceptable to the affected agency or public utility, the  
9 agency or public utility shall so notify the department.  
10 Upon request, the department shall meet with the  
11 affected agency or public utility within seven days of  
12 receipt of the notification, or at a time mutually agreed  
13 upon, for the purpose of developing proposals that are  
14 acceptable to the department and the affected agency or  
15 public utility.

16 (2) If mutual agreement is not reached at the meeting  
17 held pursuant to paragraph (1), a panel of arbitrators  
18 shall be established. The panel of arbitrators shall be  
19 established within seven days from the date of the  
20 meeting, or at a time mutually agreed upon, and shall be  
21 composed of one representative of the department, one  
22 representative of the affected agency or public utility,  
23 and a third person mutually agreed upon, or if no  
24 agreement can be reached, the third person shall be  
25 appointed in the manner provided by Section 1281.6 of  
26 the Code of Civil Procedure. The third person shall act as  
27 chair of the panel. The panel may settle disagreements  
28 and make binding decisions regarding the fish and  
29 wildlife modifications. The arbitration shall be completed  
30 within 14 days from the date that the composition of the  
31 panel is established, unless the time is extended by mutual  
32 agreement. The expenses of the department  
33 representative shall be paid by the department; the  
34 expenses of the representative of the governmental  
35 agency or the public utility shall be paid by the  
36 governmental agency or the public utility; and the  
37 expenses of the chair of the panel shall be paid one-half  
38 by each party.

39 (c) A governmental agency or public utility proposing  
40 a project subject to this section shall not commence



1 operations on that project until the department has found  
2 that the project will not substantially adversely affect an  
3 existing fish or wildlife resource or until the department's  
4 proposals, or the decisions of a panel of arbitrators, have  
5 been incorporated into the project.

6 (d) The department shall determine and specify types  
7 of work, methods of performance, or remedial measures  
8 that are exempt from the operation of this section.

9 (e) With regard to any project that involves the  
10 routine maintenance and operation of water supply,  
11 drainage, flood control, or waste treatment and disposal  
12 facilities, notice to, and agreement with, the department  
13 is not required subsequent to the initial notification and  
14 agreement, unless the work, as described in the  
15 agreement, is substantially changed or conditions  
16 affecting fish and wildlife resources substantially change,  
17 and the resources are adversely affected by the activity  
18 conducted under the agreement. This subdivision applies  
19 in any instance where notice to, and agreement with, the  
20 department has been attained prior to January 1, 1977.

21 (f) This section does not apply to any of the following  
22 projects, except that notification by the agency or public  
23 utility performing any of the following projects shall be  
24 made to the department within 14 days from the date of  
25 the commencement of the project:

26 (1) ~~Emergency~~ *Immediate emergency* work  
27 necessary to protect life or property *or emergency*  
28 *repairs to public service facilities necessary to maintain*  
29 *service as a result of a disaster in a disaster-stricken area*  
30 *in which a state of emergency has been proclaimed by the*  
31 *Governor pursuant to Chapter 7 (commencing with*  
32 *Section 8550) of Division 1 of Title 2 of the Government*  
33 *Code.*

34 (2) ~~Emergency repairs to public service facilities~~  
35 ~~necessary to maintain service.~~

36 (3) ~~Projects~~

37 (2) *Emergency projects* undertaken, carried out, or  
38 approved by a public agency to maintain, repair, restore,  
39 demolish, or replace property or facilities damaged or  
40 destroyed as a result of a disaster; *within one year of a*



1 *disaster or declaration of a disaster*, in a disaster-stricken  
 2 area in which a state of emergency has been proclaimed  
 3 by the Governor pursuant to Chapter 7 (commencing  
 4 with Section 8550) of Division 1 of Title 2 of the  
 5 Government Code.

6 ~~(4) Specific actions necessary to prevent or mitigate~~  
 7 ~~an emergency.~~

8 ~~(5) Projects~~

9 (3) *Emergency projects* undertaken, carried out, or  
 10 approved by a public agency to maintain, repair, or  
 11 restore an existing highway, as defined in Section 360 of  
 12 the Vehicle Code, ~~substantially~~ *except for a highway*  
 13 *designated as an official state scenic highway pursuant to*  
 14 *Section 262 of the Streets and Highways Code*, within the  
 15 existing right-of-way of the highway, damaged as a result  
 16 of fire, flood, storm, earthquake, land subsidence, gradual  
 17 earth movement, or landslide, ~~except for a highway~~  
 18 ~~designated as an official state scenic highway pursuant to~~  
 19 ~~Section 262 of the Streets and Highways Code~~ *within one*  
 20 *year of the damage*. This paragraph does not exempt from  
 21 this section any project undertaken, carried out, or  
 22 approved by a public agency to ~~substantially~~ expand or  
 23 widen a highway damaged by fire, flood, storm,  
 24 earthquake, land subsidence, gradual earth movement,  
 25 or landslide.

26 SEC. 3. Section 1603 of the Fish and Game Code is  
 27 amended to read:

28 1603. (a) It is unlawful for any person to substantially  
 29 divert or obstruct the natural flow or substantially change  
 30 the bed, channel or bank of any river, stream, or lake  
 31 designated by the department, or use any material from  
 32 the streambeds, without first notifying the department of  
 33 that activity, except when the department has been  
 34 notified pursuant to Section 1601. The department,  
 35 within 30 days from the date of receipt of that notice, or  
 36 within the time determined by mutual written  
 37 agreement, shall, when an existing fish or wildlife  
 38 resource may be substantially adversely affected by that  
 39 activity, notify the person of the existence of that fish or  
 40 wildlife resource together with a description of the fish or



1 wildlife, and shall submit to the person its proposals as to  
2 measures necessary to protect fish and wildlife. Upon a  
3 determination by the department of the necessity for  
4 onsite investigation, or upon the request for an onsite  
5 investigation by the affected parties, the department  
6 shall notify the affected parties that it shall make onsite  
7 investigation of the activity and shall make that  
8 investigation before it shall propose any measure  
9 necessary to protect the fish and wildlife.

10 (b) (1) Within 14 days from the date of receipt of the  
11 department's proposals, the affected person shall notify  
12 the department in writing as to the acceptability of the  
13 proposals, except that the time period may be extended  
14 by mutual agreement. If those proposals are not  
15 acceptable to the affected person, the person shall so  
16 notify the department. Upon request, the department  
17 shall meet with the affected person within seven days  
18 from the date of receipt of that notification or by a date  
19 that may be mutually agreed upon for the purpose of  
20 developing proposals which are acceptable to the  
21 department and the affected person.

22 (2) If mutual agreement is not reached at the meeting  
23 held pursuant to paragraph (1), a panel of arbitrators  
24 shall be established, although appointment of the panel  
25 may be deferred by mutual consent of the parties. The  
26 panel shall be established within seven days from the date  
27 of that meeting and shall be composed of one  
28 representative of the department, one representative of  
29 the affected person, and a third person mutually agreed  
30 upon, or if no agreement can be reached, the third person  
31 shall be appointed in the manner provided by Section  
32 1281.6 of the Code of Civil Procedure. The third person  
33 shall act as panel chair. The panel shall have power to  
34 settle disagreements and make binding decisions  
35 regarding fish and wildlife modifications. The arbitration  
36 shall be completed within 14 days from the date that the  
37 composition of the panel is established, unless the time  
38 period is extended by mutual agreement. Expenses of the  
39 department representative shall be borne by the  
40 department; expenses of the representative of the person



1 who diverts or obstructs the natural flow, or changes the  
2 bed, of any river, stream, or lake, or uses any material  
3 from the streambeds shall be borne by that person; and  
4 expenses of the chair of the panel shall be paid one-half  
5 by each party.

6 (c) It is unlawful for any person to commence any  
7 activity affected by this section until the department has  
8 found that it will not substantially adversely affect an  
9 existing fish or wildlife resource or until the department's  
10 proposals, or the decisions of a panel of arbitrators, have  
11 been incorporated into the projects. If the department  
12 fails to act within 30 days for the date of the receipt of the  
13 notice, the person may commence the activity.

14 (d) It is unlawful for any person to engage in a project  
15 or activity affected by this section, unless the project or  
16 activity is conducted in accordance with the  
17 department's proposals or the decisions of the panel of  
18 arbitrators.

19 (e) With regard to any project which involves the  
20 routine maintenance and operation of water supply,  
21 drainage, flood control, or waste treatment and disposal  
22 facilities, notice to and agreement with the department  
23 shall not be required subsequent to the initial notification  
24 and agreement unless the work as described in the  
25 agreement is substantially changed, or conditions  
26 affecting fish and wildlife resources substantially change,  
27 and those resources are adversely affected by the activity  
28 conducted under the agreement. This provision shall  
29 apply in any instance where notice to and agreement  
30 with the department have been attained prior to the  
31 January 1, 1977.

32 (f) This section does not apply to any of the following  
33 projects, except that notification by the agency or public  
34 utility performing any of the following projects shall be  
35 made to the department within 14 days from the date of  
36 the commencement of the project:

37 (1) ~~Emergency~~ *Immediate* *emergency* work  
38 necessary to protect life or property *or emergency*  
39 *repairs to public service facilities necessary to maintain*  
40 *service as result of a disaster in a disaster-stricken area in*



1 *which a state of emergency has been proclaimed by the*  
2 *Governor pursuant to Chapter 7 (commencing with*  
3 *Section 8550) of Division 1 of Title 2 of the Government*  
4 *Code.*

5 ~~(2) Emergency repairs to public service facilities~~  
6 ~~necessary to maintain service.~~

7 ~~(3) Projects~~

8 (2) *Emergency projects* undertaken, carried out, or  
9 approved by a public agency to maintain, repair, restore,  
10 demolish, or replace property or facilities damaged or  
11 destroyed as a result of a disaster, *within one year of a*  
12 *disaster or declaration of a disaster*, in a disaster-stricken  
13 area in which a state of emergency has been proclaimed  
14 by the Governor pursuant to Chapter 7 (commencing  
15 with Section 8550) of Division 1 of Title 2 of the  
16 Government Code.

17 ~~(4) Specific actions necessary to prevent or mitigate~~  
18 ~~an emergency.~~

19 ~~(5) Projects~~

20 (3) *Emergency projects* undertaken, carried out, or  
21 approved by a public agency to maintain, repair, or  
22 restore an existing highway, as defined in Section 360 of  
23 the Vehicle Code, ~~substantially~~ *except for a highway*  
24 *designated as an official state scenic highway pursuant to*  
25 *Section 262 of the Streets and Highways Code*, within the  
26 existing right-of-way of the highway, damaged as a result  
27 of fire, flood, storm, earthquake, land subsidence, gradual  
28 earth movement, or landslide, ~~except for a highway~~  
29 ~~designated as an official state scenic highway pursuant to~~  
30 ~~Section 262 of the Streets and Highways Code~~ *within one*  
31 *year of the damage*. This paragraph does not exempt from  
32 this section any project undertaken, carried out, or  
33 approved by a public agency to ~~substantially~~ expand or  
34 widen a highway damaged by fire, flood, storm,  
35 earthquake, land subsidence, gradual earth movement,  
36 or landslide.

37 SEC. 4. Section 2090 of the Fish and Game Code is  
38 amended to read:

39 2090. (a) Except as provided in subdivision (c), each  
40 state lead agency shall consult with the department, in



1 accordance with guidelines developed by the  
2 department, to ensure that any action authorized,  
3 funded, or carried out by the state lead agency is not likely  
4 to jeopardize the continued existence of any endangered  
5 or threatened species.

6 (b) Whenever the department consults with a state  
7 lead agency pursuant to Section 21080.3, 21080.4, 21080.5,  
8 or 21104.2 of the Public Resources Code, the department  
9 shall issue a written finding based on its determination of  
10 whether a proposed project would jeopardize the  
11 continued existence of any endangered species or  
12 threatened species or result in the destruction or adverse  
13 modification of habitat essential to the continued  
14 existence of the species. The written finding shall also  
15 include the department's determination of whether a  
16 proposed project would result in any taking of an  
17 endangered species or a threatened species incidental to  
18 the proposed project. The department shall base its  
19 determination on the best available scientific  
20 information.

21 (c) This section does not apply to any of the following  
22 projects, except that notification by the agency or public  
23 utility performing any of the following projects shall be  
24 made to the department within 14 days from the date of  
25 the commencement of the project:

26 (1) ~~Emergency~~ *Immediate emergency* work  
27 necessary to protect life or property *or emergency*  
28 *repairs to public service facilities necessary to maintain*  
29 *service as a result of a disaster in a disaster-stricken area*  
30 *in which a state of emergency has been proclaimed by the*  
31 *Governor pursuant to Chapter 7 (commencing with*  
32 *Section 8550) of Division 1 of Title 2 of the Government*  
33 *Code.*

34 (2) ~~Emergency repairs to public service facilities~~  
35 ~~necessary to maintain service.~~

36 (3) ~~Projects~~

37 (2) *Emergency projects* undertaken, carried out, or  
38 approved by a public agency to maintain, repair, restore,  
39 demolish, or replace property or facilities damaged or  
40 destroyed as a result of a disaster; *within one year of a*



1 *disaster or declaration of a disaster*, in a disaster-stricken  
2 area in which a state of emergency has been proclaimed  
3 by the Governor pursuant to Chapter 7 (commencing  
4 with Section 8550) of Division 1 of Title 2 of the  
5 Government Code.

6 ~~(4) Specific actions necessary to prevent or mitigate~~  
7 ~~an emergency.~~

8 ~~(5) Projects~~

9 (3) *Emergency projects* undertaken, carried out, or  
10 approved by a public agency to maintain, repair, or  
11 restore an existing highway, as defined in Section 360 of  
12 the Vehicle Code, ~~substantially~~ *except for a highway*  
13 *designated as an official state scenic highway pursuant to*  
14 *Section 262 of the Streets and Highways Code*, within the  
15 existing right-of-way of the highway, damaged as a result  
16 of fire, flood, storm, earthquake, land subsidence, gradual  
17 earth movement, or landslide, ~~except for a highway~~  
18 ~~designated as an official state scenic highway pursuant to~~  
19 ~~Section 262 of the Streets and Highways Code~~ *within one*  
20 *year of the damage*. This paragraph does not exempt from  
21 this section any project undertaken, carried out, or  
22 approved by a public agency to ~~substantially~~ expand or  
23 widen a highway damaged by fire, flood, storm,  
24 earthquake, land subsidence, gradual earth movement,  
25 or landslide.

26 SEC. 5. Section 66632.2 of the Government Code is  
27 amended to read:

28 66632.2. (a) The owner or operator of any public  
29 service facilities need not obtain a permit from the  
30 commission for the construction within or upon any  
31 public highway or street of any public service facilities to  
32 provide service to persons or property located within the  
33 area of the commission's jurisdiction. The public service  
34 facilities referred to in this subdivision shall be limited to  
35 those which are necessary for and are customarily used to  
36 provide direct and immediate service to the persons or  
37 property requiring that service.

38 (b) The owner or operator of public service facilities  
39 or a public street or road located anywhere within the  
40 area of the commission's jurisdiction may, without first



1 obtaining a permit from the commission, make  
2 emergency repairs to those facilities as may be necessary  
3 to maintain service if the emergency requires repairs  
4 before an emergency permit can be obtained under  
5 subdivision (f) of Section 66632 and if that notification is  
6 given to the commission not later than the first working  
7 day following the undertaking.

8 (c) “Public service facilities,” as used in this section,  
9 means any facilities used or intended to be used to  
10 provide water, gas, electric, or communications service  
11 and any pipelines, and appurtenant facilities, for the  
12 collection or transmission of sewage, flood or storm  
13 waters, petroleum, gas, or any liquid or other substance.

14 (d) Any agency that intends to undertake, carry out,  
15 or approve a *an emergency* project to maintain, repair, or  
16 restore an existing highway, as defined in Section 360 of  
17 the Vehicle Code, ~~substantially~~ *except for a highway*  
18 *designated as an official state scenic highway pursuant to*  
19 *Section 262 of the Streets and Highways Code*, within the  
20 existing right-of-way of the highway, damaged as a result  
21 of fire, flood, storm, earthquake, land subsidence, gradual  
22 earth movement, or landslide, ~~except for a highway~~  
23 ~~designated as an official state scenic highway pursuant to~~  
24 ~~Section 262 of the Streets and Highways Code~~ *within one*  
25 *year of the damage*, need not obtain a permit from the  
26 commission, if notification is given to the commission not  
27 later than the first working day following the  
28 commencement of the undertaking or action. This  
29 subdivision does not exempt from this section any agency  
30 that is required to obtain from the commission a permit  
31 to undertake, carry out, or approve a project to  
32 ~~substantially~~ expand or widen a highway damaged by fire,  
33 flood, storm, earthquake, land subsidence, gradual earth  
34 movement, or landslide.

35 ~~SEC. 6. Section 5024 of the Public Resources Code is~~  
36 ~~amended to read:~~

37 ~~5024. (a) On or before January 1, 1982, each state~~  
38 ~~agency shall formulate policies to preserve and maintain,~~  
39 ~~when prudent and feasible, all state-owned historical~~  
40 ~~resources under its jurisdiction listed in or potentially~~



1 eligible for inclusion in the National Register of Historic  
2 Places or registered or eligible for registration as a state  
3 historical landmark pursuant to Section 5021. The State  
4 Historic Preservation Officer shall provide those agencies  
5 with advice and assistance as needed.

6 (b) On or before July 1, 1983, each state agency shall  
7 submit to the State Historic Preservation Officer an  
8 inventory of all state-owned structures over 50 years of  
9 age under its jurisdiction listed in or which may be  
10 eligible for inclusion in the National Register of Historic  
11 Places or registered or which may be eligible for  
12 registration as a state historical landmark. State-owned  
13 structures in freeway rights-of-way shall be inventoried  
14 before approval of any undertaking which would alter  
15 their original or significant features or fabric, or transfer,  
16 relocate, or demolish those structures.

17 (c) The State Historic Preservation Officer, with the  
18 advice of the State Historical Resources Commission,  
19 shall establish standards, after consultation with agencies  
20 to be affected, for the submittal of inventories and  
21 development of policies for the review of historical  
22 resources identified pursuant to this section. These  
23 review procedures shall permit the State Historic  
24 Preservation Officer to determine which historical  
25 resources identified in inventories meet National  
26 Register of Historic Places and state historical landmark  
27 criteria and shall be placed in the master list of historical  
28 resources.

29 (d) The State Historic Preservation Officer shall  
30 maintain a master list comprised of all inventoried  
31 structures submitted and determined significant  
32 pursuant to this section and all state-owned historical  
33 resources currently listed in the National Register of  
34 Historic Places or registered as a state historical landmark  
35 under state agency jurisdiction. The State Historic  
36 Preservation Officer shall inform agencies with historical  
37 resources on the master list of current sources of funding  
38 for preservation activities, including rehabilitation and  
39 restoration.



1 ~~(c) On or before July 1 of each year, each state agency~~  
2 ~~shall submit inventory updates to the State Historic~~  
3 ~~Preservation Officer and a statement of its year's~~  
4 ~~preservation activities.~~

5 ~~(f) Except as otherwise provided in subdivision (i),~~  
6 ~~each state agency shall submit to the State Historic~~  
7 ~~Preservation Officer for comment documentation for any~~  
8 ~~project having the potential to affect historical resources~~  
9 ~~listed in or potentially eligible for inclusion in the~~  
10 ~~National Register of Historic Places or registered as or~~  
11 ~~eligible for registration as a state historical landmark.~~

12 ~~(g) As used in this section and Section 5024.5, "state~~  
13 ~~agency" means any agency, department, division,~~  
14 ~~commission, board, bureau, officer, or other authority of~~  
15 ~~the State of California.~~

16 ~~(h) As used in this section and Section 5024.5,~~  
17 ~~"structure" means an immovable work constructed by~~  
18 ~~man having interrelated parts in a definite pattern of~~  
19 ~~organization and used to shelter or promote a form of~~  
20 ~~human activity and which constitutes an historical~~  
21 ~~resource.~~

22 ~~(i) Subdivision (f) does not apply to any of the~~  
23 ~~following projects, except that notification by the agency~~  
24 ~~or public utility performing any of the following projects~~  
25 ~~shall be made to the State Historic Preservation officer~~  
26 ~~within 14 days from the date of the commencement of the~~  
27 ~~project:~~

28 ~~(1) Emergency work necessary to protect life or~~  
29 ~~property.~~

30 ~~(2) Emergency repairs to public service facilities~~  
31 ~~necessary to maintain service.~~

32 ~~(3) Projects undertaken, carried out, or approved by~~  
33 ~~a public agency to maintain, repair, restore, demolish, or~~  
34 ~~replace property or facilities damaged or destroyed as a~~  
35 ~~result of a disaster in a disaster-stricken area in which a~~  
36 ~~state of emergency has been proclaimed by the Governor~~  
37 ~~pursuant to Chapter 7 (commencing with Section 8550)~~  
38 ~~of Division 1 of Title 2 of the Government Code.~~

39 ~~(4) Specific actions necessary to prevent or mitigate~~  
40 ~~an emergency.~~



1 ~~(5) Projects undertaken, carried out, or approved by~~  
2 ~~a public agency to maintain, repair, or restore an existing~~  
3 ~~highway, as defined in Section 360 of the Vehicle Code,~~  
4 ~~substantially within the existing right of way of the~~  
5 ~~highway, damaged as a result of fire, flood, storm,~~  
6 ~~earthquake, land subsidence, gradual earth movement,~~  
7 ~~or landslide, except for a highway designated as an official~~  
8 ~~state scenic highway pursuant to Section 262 of the Streets~~  
9 ~~and Highways Code. This paragraph does not exempt~~  
10 ~~from this section any project undertaken, carried out, or~~  
11 ~~approved by a public agency to substantially expand or~~  
12 ~~widen a highway damaged by fire, flood, storm,~~  
13 ~~earthquake, land subsidence, gradual earth movement,~~  
14 ~~or landslide.~~

15 ~~SEC. 7. Section 5024.5 of the Public Resources Code~~  
16 ~~is amended to read:~~

17 ~~5024.5. (a) Except as provided in subdivision (h), no~~  
18 ~~state agency shall alter the original or significant~~  
19 ~~historical features or fabric, or transfer, relocate, or~~  
20 ~~demolish historical resources on the master list~~  
21 ~~maintained pursuant to subdivision (d) of Section 5024~~  
22 ~~without, early in the planning processes, first giving~~  
23 ~~notice and a summary of the proposed action to the~~  
24 ~~officer who shall have 30 days from the date of receipt of~~  
25 ~~the notice and summary for review and comment.~~

26 ~~(b) Except as provided in subdivision (h), if the officer~~  
27 ~~determines that a proposed action will have an adverse~~  
28 ~~effect on a listed historical resource, the head of the state~~  
29 ~~agency having jurisdiction over the historical resource~~  
30 ~~and the officer shall adopt prudent and feasible measures~~  
31 ~~that will eliminate or mitigate the adverse effects. The~~  
32 ~~officer shall consult the State Historical Building Safety~~  
33 ~~Board for advice when appropriate.~~

34 ~~(c) Each state agency shall maintain written~~  
35 ~~documentation of the officer's concurrence with~~  
36 ~~proposed actions which would have an effect on an~~  
37 ~~historical resource on the master list.~~

38 ~~(d) The officer shall report to the Office of Planning~~  
39 ~~and Research for mediation instances of state agency~~  
40 ~~refusal to propose, to consider, or to adopt prudent and~~



1 ~~feasible alternatives to eliminate or mitigate adverse~~  
2 ~~effects on historical resources on the master list as~~  
3 ~~specified in subdivision (f) of Section 5024.~~

4 ~~(e) The officer may monitor the implementation of~~  
5 ~~proposed actions of any state agency.~~

6 ~~(f) Until the time that a structure is evaluated for~~  
7 ~~possible inclusion in the inventory pursuant to~~  
8 ~~subdivisions (b) and (c) of Section 5024, state agencies~~  
9 ~~shall ensure that any structure that might qualify for~~  
10 ~~listing is not inadvertently transferred or unnecessarily~~  
11 ~~altered.~~

12 ~~(g) The officer may provide local governments with~~  
13 ~~information on methods to preserve their historical~~  
14 ~~resources.~~

15 ~~(h) This section does is not apply to any of the~~  
16 ~~following projects, except that notification by the agency~~  
17 ~~or public utility performing any of the following projects~~  
18 ~~shall be made to the State Historic Preservation officer~~  
19 ~~within 14 days from the date of the commencement of the~~  
20 ~~project:~~

21 ~~(1) Emergency work necessary to protect life or~~  
22 ~~property.~~

23 ~~(2) Emergency repairs to public service facilities~~  
24 ~~necessary to maintain service.~~

25 ~~(3) Projects undertaken, carried out, or approved by~~  
26 ~~a public agency to maintain, repair, restore, demolish, or~~  
27 ~~replace property or facilities damaged or destroyed as a~~  
28 ~~result of a disaster in a disaster-stricken area in which a~~  
29 ~~state of emergency has been proclaimed by the Governor~~  
30 ~~pursuant to Chapter 7 (commencing with Section 8550)~~  
31 ~~of Division 1 of Title 2 of the Government Code.~~

32 ~~(4) Specific actions necessary to prevent or mitigate~~  
33 ~~an emergency.~~

34 ~~(5) Projects undertaken, carried out, or approved by~~  
35 ~~a public agency to maintain, repair, or restore an existing~~  
36 ~~highway, as defined in Section 360 of the Vehicle Code,~~  
37 ~~substantially within the existing right-of-way of the~~  
38 ~~highway, damaged as a result of fire, flood, storm,~~  
39 ~~earthquake, land subsidence, gradual earth movement,~~  
40 ~~or landslide, except for a highway designated as an official~~



1 ~~state scenic highway pursuant to Section 262 of the Streets~~  
2 ~~and Highways Code. This paragraph does not exempt~~  
3 ~~from this section any project undertaken, carried out, or~~  
4 ~~approved by a public agency to substantially expand or~~  
5 ~~widen a highway damaged by fire, flood, storm,~~  
6 ~~earthquake, land subsidence, gradual earth movement,~~  
7 ~~or landslide.~~

8 ~~SEC. 8.—~~

9 *SEC. 6.* Section 21080.33 is added to the Public  
10 Resources Code, to read:

11 21080.33. This division does not apply to any  
12 *emergency* project undertaken, carried out, or approved  
13 by a public agency to maintain, repair, or restore an  
14 existing highway, as defined in Section 360 of the Vehicle  
15 Code, ~~substantially~~ *except for a highway designated as an*  
16 *official state scenic highway pursuant to Section 262 of the*  
17 *Streets and Highways Code*, within the existing  
18 right-of-way of the highway, damaged as a result of fire,  
19 flood, storm, earthquake, land subsidence, gradual earth  
20 movement, or landslide, ~~except for a highway designated~~  
21 ~~as an official state scenic highway pursuant to Section 262~~  
22 ~~of the Streets and Highways Code~~ *within one year of the*  
23 *damage*. This section does not exempt from this division  
24 any project undertaken, carried out, or approved by a  
25 public agency to substantially expand or widen a highway  
26 damaged by fire, flood, storm, earthquake, land  
27 subsidence, gradual earth movement, or landslide.

28 ~~SEC. 9.—~~

29 *SEC. 7.* Section 30600 of the Public Resources Code is  
30 amended to read:

31 30600. (a) Except as provided in subdivision (e), and  
32 in addition to obtaining any other permit required by law  
33 from any local government or from any state, regional, or  
34 local agency, any person, as defined in Section 21066,  
35 wishing to perform or undertake any development in the  
36 coastal zone, other than a facility subject to Section 25500,  
37 shall obtain a coastal development permit.

38 (b) (1) Prior to certification of its local coastal  
39 program, a local government may, with respect to any  
40 development within its area of jurisdiction in the coastal



1 zone and consistent with the provisions of Sections 30604,  
 2 30620, and 30620.5, establish procedures for the filing,  
 3 processing, review, modification, approval, or denial of a  
 4 coastal development permit. Those procedures may be  
 5 incorporated and made a part of the procedures relating  
 6 to any other appropriate land use development permit  
 7 issued by the local government.

8 (2) A coastal development permit from a local  
 9 government shall not be required by this subdivision for  
 10 any development on tidelands, submerged lands, or on  
 11 public trust lands, whether filled or unfilled, or for any  
 12 development by a public agency for which a local  
 13 government permit is not otherwise required.

14 (c) If prior to certification of its local coastal program,  
 15 a local government does not exercise the option provided  
 16 in subdivision (b), or a development is not subject to the  
 17 requirements of subdivision (b), a coastal development  
 18 permit shall be obtained from the commission or from a  
 19 local government as provided in subdivision (d).

20 (d) After certification of its local coastal program or  
 21 pursuant to the provisions of Section 30600.5, a coastal  
 22 development permit shall be obtained from the local  
 23 government as provided for in Section 30519 or Section  
 24 30600.5.

25 (e) This section does not apply to any of the following  
 26 projects, except that notification by the agency or public  
 27 utility performing any of the following projects shall be  
 28 made to the commission within 14 days from the date of  
 29 the commencement of the project:

30 (1) ~~Emergency~~ *Immediate* ~~emergency~~ work  
 31 necessary to protect life or property *or emergency*  
 32 *repairs to public service facilities necessary to maintain*  
 33 *service as a result of a disaster in a disaster-stricken area*  
 34 *in which a state of emergency has been proclaimed by the*  
 35 *Governor pursuant to Chapter 7 (commencing with*  
 36 *Section 8550) of Division 1 of Title 2 of the Government*  
 37 *Code.*

38 ~~(2) Emergency repairs to public service facilities~~  
 39 ~~necessary to maintain service.~~

40 ~~(3) Projects~~



1 (2) *Emergency projects* undertaken, carried out, or  
2 approved by a public agency to maintain, repair, restore,  
3 demolish, or replace property or facilities damaged or  
4 destroyed as a result of a disaster; *within one year of a*  
5 *disaster or declaration of a disaster*; in a disaster-stricken  
6 area in which a state of emergency has been proclaimed  
7 by the Governor pursuant to Chapter 7 (commencing  
8 with Section 8550) of Division 1 of Title 2 of the  
9 Government Code.

10 ~~(4) Specific actions necessary to prevent or mitigate~~  
11 ~~an emergency.~~

12 ~~(5) Projects~~

13 (3) *Emergency projects* undertaken, carried out, or  
14 approved by a public agency to maintain, repair, or  
15 restore an existing highway, as defined in Section 360 of  
16 the Vehicle Code, ~~substantially~~ *except for a highway*  
17 *designated as an official state scenic highway pursuant to*  
18 *Section 262 of the Streets and Highways Code*, within the  
19 existing right-of-way of the highway, damaged as a result  
20 of fire, flood, storm, earthquake, land subsidence, gradual  
21 earth movement, or landslide, ~~except for a highway~~  
22 ~~designated as an official state scenic highway pursuant to~~  
23 ~~Section 262 of the Streets and Highways Code~~ *within one*  
24 *year of the damage*. This paragraph does not exempt from  
25 this section any project undertaken, carried out, or  
26 approved by a public agency to ~~substantially~~ expand or  
27 widen a highway damaged by fire, flood, storm,  
28 earthquake, land subsidence, gradual earth movement,  
29 or landslide.

30 ~~SEC. 10. Section 13260 of the Water Code is amended~~  
31 ~~to read:~~

32 ~~13260. (a) All of the following persons shall file with~~  
33 ~~the appropriate regional board a report of the discharge,~~  
34 ~~containing the information which may be required by the~~  
35 ~~regional board:~~

36 ~~(1) Any person discharging waste, or proposing to~~  
37 ~~discharge waste, within any region that could affect the~~  
38 ~~quality of the waters of the state, other than into a~~  
39 ~~community sewer system.~~



1 ~~(2) Any person who is a citizen, domiciliary, or~~  
2 ~~political agency or entity of this state discharging waste,~~  
3 ~~or proposing to discharge waste, outside the boundaries~~  
4 ~~of the state in a manner that could affect the quality of the~~  
5 ~~waters of the state within any region.~~

6 ~~(3) Any person operating, or proposing to construct,~~  
7 ~~an injection well.~~

8 ~~(b) No report of waste discharge need be filed~~  
9 ~~pursuant to subdivision (a) if the requirement is waived~~  
10 ~~pursuant to Section 13269, or for any of the following~~  
11 ~~projects:~~

12 ~~(1) Emergency work necessary to protect life or~~  
13 ~~property.~~

14 ~~(2) Emergency repairs to public service facilities~~  
15 ~~necessary to maintain service.~~

16 ~~(3) Projects undertaken, carried out, or approved by~~  
17 ~~a public agency to maintain, repair, restore, demolish, or~~  
18 ~~replace property or facilities damaged or destroyed as a~~  
19 ~~result of a disaster in a disaster-stricken area in which a~~  
20 ~~state of emergency has been proclaimed by the Governor~~  
21 ~~pursuant to Chapter 7 (commencing with Section 8550)~~  
22 ~~of Division 1 of Title 2 of the Government Code.~~

23 ~~(4) Specific actions necessary to prevent or mitigate~~  
24 ~~an emergency.~~

25 ~~(5) Projects undertaken, carried out, or approved by~~  
26 ~~a public agency to maintain, repair, or restore an existing~~  
27 ~~highway, as defined in Section 360 of the Vehicle Code,~~  
28 ~~substantially within the existing right-of-way of the~~  
29 ~~highway, damaged as a result of fire, flood, storm,~~  
30 ~~earthquake, land subsidence, gradual earth movement,~~  
31 ~~or landslide, except for a highway designated as an official~~  
32 ~~state scenic highway pursuant to Section 262 of the Streets~~  
33 ~~and Highways Code. This paragraph does not exempt~~  
34 ~~from this section any project undertaken, carried out, or~~  
35 ~~approved by a public agency to substantially expand or~~  
36 ~~widen a highway damaged by fire, flood, storm,~~  
37 ~~earthquake, land subsidence, gradual earth movement,~~  
38 ~~or landslide.~~

39 ~~(c) Every person subject to subdivision (a) shall file~~  
40 ~~with the appropriate regional board a report of waste~~



1 discharge relative to any material change or proposed  
2 change in the character, location, or volume of the  
3 discharge.

4 (d) (1) Each person for whom waste discharge  
5 requirements have been prescribed pursuant to Section  
6 13263 shall submit an annual fee not to exceed ten  
7 thousand dollars (\$10,000) according to a reasonable fee  
8 schedule established by the state board. Fees shall be  
9 calculated on the basis of total flow, volume, number of  
10 animals, or area involved.

11 (2) Any fees collected pursuant to this section shall be  
12 deposited in the Waste Discharge Permit Fund which is  
13 hereby created. The money in the fund is available for  
14 expenditure by the state board, upon appropriation by  
15 the Legislature, for the purposes of carrying out this  
16 division.

17 (3) Any person who would be required to pay the  
18 annual fee prescribed by paragraph (1) for waste  
19 discharge requirements applicable to discharges of solid  
20 waste, as defined in Section 40191 of the Public Resources  
21 Code, at a waste management unit that is also regulated  
22 under Division 30 (commencing with Section 40000) of  
23 the Public Resources Code, and who is or will be subject  
24 to the fee imposed pursuant to Section 46801 of the Public  
25 Resources Code in the same fiscal year, shall be entitled  
26 to a waiver of the annual fee for the discharge of solid  
27 waste at the waste management unit imposed by  
28 paragraph (1) upon verification by the state board of  
29 payment of the fee imposed by Section 48000 of the Public  
30 Resources Code, and provided that the fee established  
31 pursuant to Section 48000 of the Public Resources Code  
32 generates revenues sufficient to fund the programs  
33 specified in Section 48004 of the Public Resources Code  
34 and the amount appropriated by the Legislature for those  
35 purposes is not reduced.

36 (e) Each report of waste discharge for a new discharge  
37 submitted under this section shall be accompanied by a  
38 fee equal in amount to the annual fee for the discharge.  
39 If waste discharge requirements are issued, the fee shall  
40 serve as the first annual fee. If waste discharge



1 requirements are waived pursuant to Section 13269, all or  
2 part of the fee shall be refunded.

3 (f) (1) On or before January 1, 1990, the state board  
4 shall adopt, by emergency regulations, a schedule of fees  
5 authorized under subdivisions (d) and (j). The total  
6 revenue collected each year through annual and filing  
7 fees shall be set at an amount equal to the revenue levels  
8 set forth in the Budget Act for this activity. The state  
9 board shall automatically adjust the annual and filing fees  
10 each fiscal year to conform with the revenue levels set  
11 forth in the Budget Act for this activity. If the state board  
12 determines that the revenue collected during the  
13 preceding year was greater than, or less than, the revenue  
14 levels set forth in the Budget Act, the state board may  
15 further adjust the annual filing fees to compensate for the  
16 over and under collection of revenue.

17 (2) The emergency regulations adopted pursuant to  
18 this subdivision, or subsequent adjustments to the annual  
19 fees, shall be adopted by the state board in accordance  
20 with Chapter 3.5 (commencing with Section 11340) of  
21 Part 1 of Division 3 of Title 2 of the Government Code.  
22 The adoption of these regulations is an emergency and  
23 shall be considered by the Office of Administrative Law  
24 as necessary for the immediate preservation of the public  
25 peace, health, safety, and general welfare.  
26 Notwithstanding Chapter 3.5 (commencing with Section  
27 11340) of Part 1 of Division 3 of Title 2 of the Government  
28 Code, any emergency regulations adopted by the state  
29 board, or adjustments to the annual fees made by the state  
30 board pursuant to this section, shall not be subject to  
31 review by the Office of Administrative Law and shall  
32 remain in effect until revised by the state board.

33 (g) The state board shall adopt regulations setting  
34 forth reasonable time limits within which the regional  
35 board shall determine the adequacy of a report of waste  
36 discharge submitted under this section.

37 (h) Each report submitted under this section shall be  
38 sworn to, or submitted under penalty of perjury.

39 (i) The regulations adopted by the state board  
40 pursuant to subdivision (f) shall include a provision that



1 ~~annual fees shall not be imposed on those who pay fees~~  
2 ~~under the National Pollutant Discharge Elimination~~  
3 ~~System until the time when those fees are again due, at~~  
4 ~~which time the fees shall become due on an annual basis.~~

5 ~~(j) Facilities for confined animal feeding or holding~~  
6 ~~operations, including dairy farms, which have been issued~~  
7 ~~waste discharge requirements or exempted from waste~~  
8 ~~discharge requirements prior to January 1, 1989, are~~  
9 ~~exempt from subdivision (d). If the facility is required to~~  
10 ~~file a report under subdivision (c) after January 1, 1989,~~  
11 ~~the report shall be accompanied by a filing fee, to be~~  
12 ~~established by the state board in accordance with~~  
13 ~~subdivision (f), not to exceed two thousand dollars~~  
14 ~~(\$2,000), and the facility shall be exempt from any annual~~  
15 ~~fee.~~

16 ~~(k) Any person operating or proposing to construct an~~  
17 ~~oil, gas, or geothermal injection well subject to paragraph~~  
18 ~~(3) of subdivision (a), shall not be required to pay a fee~~  
19 ~~pursuant to subdivision (d), if the injection well is~~  
20 ~~regulated by the Division of Oil and Gas of the~~  
21 ~~Department of Conservation, in lieu of the appropriate~~  
22 ~~California regional water quality control board, pursuant~~  
23 ~~to the memorandum of understanding, entered into~~  
24 ~~between the state board and the Department of~~  
25 ~~Conservation on May 19, 1988. This subdivision shall~~  
26 ~~remain operative until the memorandum of~~  
27 ~~understanding is revoked by the state board or the~~  
28 ~~Department of Conservation.~~

29 ~~(l) In addition to the report required by subdivision~~  
30 ~~(a), before any person discharges mining waste, the~~  
31 ~~person shall first submit the following to the regional~~  
32 ~~board:~~

33 ~~(1) A report on the physical and chemical~~  
34 ~~characteristics of the waste that could affect its potential~~  
35 ~~to cause pollution or contamination. The report shall~~  
36 ~~include the results of all tests required by regulations~~  
37 ~~adopted by the board, any test adopted by the~~  
38 ~~Department of Toxic Substances Control pursuant to~~  
39 ~~Section 25141 of the Health and Safety Code for~~  
40 ~~extractable, persistent, and bioaccumulative toxic~~



1 substances in a waste or other material, and any other  
2 tests that the state board or regional board may require,  
3 including, but not limited to, tests needed to determine  
4 the acid-generating potential of the mining waste or the  
5 extent to which hazardous substances may persist in the  
6 waste after disposal.

7 (2) A report that evaluates the potential of the  
8 discharge of the mining waste to produce, over the long  
9 term, acid mine drainage, the discharge or leaching of  
10 heavy metals, or the release of other hazardous  
11 substances.

12 (m) Except upon the written request of the regional  
13 board, a report of waste discharge need not be filed  
14 pursuant to subdivision (a) or (c) by a user of recycled  
15 water that is being supplied by a supplier or distributor  
16 of recycled water for whom a master recycling permit has  
17 been issued pursuant to Section 13523.1.

18 SEC. 11.—

19 SEC. 8. Section 13269 of the Water Code is amended  
20 to read:

21 13269. (a) The provisions of subdivisions (a) and (b)  
22 of Section 13260, subdivision (a) of Section 13263, or  
23 subdivision (a) of Section 13264 may be waived by a  
24 regional board as to a specific discharge or a specific type  
25 of discharge where ~~such~~ the waiver is not against the  
26 public interest. ~~Such~~ The waiver shall be conditional and  
27 may be terminated at any time by the board.

28 (b) Upon notification of the appropriate regional  
29 board of the discharge or proposed discharge, except as  
30 provided in subdivision (c), the provisions of subdivisions  
31 (a) and (b) of Section 13260, subdivision (a) of Section  
32 13263, and subdivision (a) of Section 13264 shall not apply  
33 to discharge resulting from any of the following  
34 emergency activities:

35 (1) Immediate emergency work necessary to protect  
36 life or property or emergency repairs to public service  
37 facilities necessary to maintain service as a result of a  
38 disaster in a disaster-stricken area in which a state of  
39 emergency has been proclaimed by the Governor



1 *pursuant to Chapter 7 (commencing with Section 8550)*  
2 *of Division 1 of Title 2 of the Government Code.*

3 (2) *Emergency projects undertaken, carried out, or*  
4 *approved by a public agency to maintain, repair, restore,*  
5 *demolish, or replace property or facilities damaged or*  
6 *destroyed as a result of a disaster, within one year of a*  
7 *disaster or declaration of a disaster, in a disaster-stricken*  
8 *area in which a state of emergency has been proclaimed*  
9 *by the Governor pursuant to Chapter 7 (commencing*  
10 *with Section 8550) of Division 1 of Title 2 of the*  
11 *Government Code.*

12 (3) *Emergency projects undertaken, carried out, or*  
13 *approved by a public agency to maintain, repair, or*  
14 *restore an existing highway, as defined in Section 360 of*  
15 *the Vehicle Code, except for a highway designated as an*  
16 *official state scenic highway pursuant to Section 262 of the*  
17 *Streets and Highways Code, within the existing*  
18 *right-of-way of the highway, damaged as a result of fire,*  
19 *flood, storm, earthquake, land subsidence, gradual earth*  
20 *movement, or landslide within one year of the damage.*  
21 *This paragraph does not exempt from this section any*  
22 *project undertaken, carried out, or approved by a public*  
23 *agency to expand or widen a highway damaged by fire,*  
24 *flood, storm, earthquake, land subsidence, gradual earth*  
25 *movement, or landslide.*

26 (c) *Subdivision (b) is not a limitation of the authority*  
27 *of a regional board under subdivision (a) to determine*  
28 *that any provision of this division shall not be waived or*  
29 *to establish conditions of a waiver. Subdivision (b) shall*  
30 *not apply to the extent that it is inconsistent with any*  
31 *waiver or other order or prohibition issued under this*  
32 *division.*

33 SEC. 9. No reimbursement is required by this act  
34 pursuant to Section 6 of Article XIII B of the California  
35 Constitution for certain costs that may be incurred by a  
36 local agency or school district because in that regard this  
37 act creates a new crime or infraction, eliminates a crime  
38 or infraction, or changes the penalty for a crime or  
39 infraction, within the meaning of Section 17556 of the  
40 Government Code, or changes the definition of a crime



1 within the meaning of Section 6 of Article XIII B of the  
2 California Constitution.

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

10 Notwithstanding Section 17580 of the Government  
11 Code, unless otherwise specified, the provisions of this act  
12 shall become operative on the same date that the act  
13 takes effect pursuant to the California Constitution.

