CALIFORNIA LEGISLATURE

1981–82 REGULAR SESSION
1981–82 FIRST EXTRAORDINARY SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1982

and

1979–1982 Statutory Record

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PREFACE

Digests

The Summary Digest consists of a short summary of each law enacted, and of each constitutional amendment, concurrent or joint resolution adopted by the Legislature in 1982. Except for technical corrections indicated by "*" (words stricken out or added), the summary of each measure is identical to the Legislative Counsel's digest which appeared on the face of the legislative measure when placed on final passage by both houses.

Cross-Reference Tables

The text of the Summary Digest is arranged numerically by chapter number.

Cross-reference tables are arranged numerically by bill or resolution number and indicate the chapter number of each.

Index

A subject matter index to all measures, including constitutional amendments and resolutions, is included.

Statutory Record

This edition of the Summary Digest includes a cumulative statutory record for 1979–1982, followed by a list of concurrent resolutions adopted in 1979–1982, which affect concurrent resolutions adopted in prior years, and lists of new general laws passed in the years 1979–1982 which do not specifically amend, add to, or repeal any existing code or general law. Cumulative statutory records for 10-year periods, 1969–1978, 1959–1968 and 1949–1958, and for the 16-year period, 1933–1948, are published in separate volumes, which supplement the original statutory record, 1850–1932, published in 1933.

ABBREVIATIONS

AB	Assembly Bill
ACA	Assembly Constitutional Amendment
ACR	Assembly Concurrent Resolution
AJR	Assembly Joint Resolution
SB	Senate Bill
SCA	Senate Constitutional Amendment
SCR	Senate Concurrent Resolution
SJR	Senate Joint Resolution
Sec	Section
Art.	Article
Ch	Chapter
Res Ch.	Resolution Chapter
Pt	Part
Div	Division
Stats	Statutes

EFFECTIVE DATES

Regular Session

The 1981–82 Regular Session reconvened on January 4, 1982, and adjourned sine die on November 30, 1982. Statutes enacted in 1982, other than those taking immediate effect, will become effective January 1, 1983. In absence of other considerations, the provisions of a statute become operative on the date it takes effect. Digests indicate statutes taking immediate effect.

An urgency statute and a statute calling an election, providing for a tax levy, or making an appropriation for the usual current expenses of the state may take effect immediately. Such a statute becomes *effective* on the date it is filed with the Secretary of State.

However, any statute may, by its own terms, delay the *operation* of its provisions until the happening of some contingency, until a specified time, or until a vote of the electors at a statewide election. Also, a later statute or a general provision in a particular code may delay the operation of a statute to a time after its effective date.

The effective date of a joint or concurrent resolution is the date it is filed with the Secretary of State.

A constitutional amendment proposed by the Legislature and adopted by the people takes effect the day after the election unless the measure provides otherwise.

Extraordinary Session

An urgency statute enacted at a special session of the Legislature takes effect immediately, as outlined above, and the same rules apply with respect to a delayed *operative* date. A nonurgency statute takes effect on the 91st day after adjournment of the special session at which the bill was passed.

The 1981–82 First Extraordinary Session convened on November 9, 1981, and adjourned sine die on February 25, 1982. The 91st day after adjournment is May 27, 1982.

DIGESTS OF STATUTES ENACTED IN 1982

1981–82 REGULAR SESSION

BILL CHAPTERS

Ch 1 (AB 1403) Baker Prisons

Existing law provides for the employment of prisoners in state prisons as part of the prison work program

This bill would require the Department of Corrections to direct the employment of prisoners to activities which will achieve full inmate work programs and make the state prisons more self-sufficient, as specified It would require the Director of Corrections to report to the Legislature by January 1, 1983, concerning the progress that has been made toward these goals

Ch 2 (AB 1635) Moorhead Correctional and detention facilities

Existing law requires that plans and specifications of every jail, prison or other place of detention of persons charged with or convicted of crime, or of persons detained pursuant to the Juvenile Court Law or the Youth Authority Act, if such plans and specifications involve construction, reconstruction, remodeling, or repairs of an aggregate cost in excess of $1,500, be submitted to the Board of Corrections for its recommendation.

This bill would increase the cost threshold to $15,000

Existing law authorizes the sheriff of a county to refuse to receive and keep a federal prisoner in county jail if there isn't adequate space for the prisoner and there is a facility operated by the United States Bureau of Prisons within 50 miles of the county seat

This bill would permit refusal on the above basis if such a facility exists within 100 miles of the county seat

This bill would take effect immediately as an urgency statute

Ch 3 (AB 194) Rosenthal Hearing aid dispensers.

Existing law requires each licensed hearing aid dispenser to notify the Division of Allied Health Professions of the Board of Medical Quality Assurance of the address or addresses where the licensee is to engage or intends to engage in the practice of fitting or selling of hearing aids

This bill would require every licensed hearing aid dispenser to have and maintain an established retail business address to engage in the fitting or selling of hearing aids which is routinely open for service and requires the address of the place of business to be registered with the board

This bill would require any licensed hearing aid dispenser who engages, on a temporary basis, in the fitting or selling of hearing aids at the business location of another licensee to notify the board of the location and dates that services are to be provided at that location

This bill would also provide that a licensee who is the owner, manager, or franchisee at a location where hearing aids are fit or sold shall be responsible for the adequacy of the fitting or selling of any hearing aid fit and sold by any licensee or licensees at that location

Existing law requires a written receipt to be given to the purchaser of a hearing aid upon the consummation of a sale of a hearing aid which receipt is required to contain, among other things, the number of the licensee's license

This bill would also require that the name and license number of any other hearing aid dispenser who provided any recommendation or consultation regarding the purchase of the hearing aid appear on the receipt

This bill would take effect immediately as an urgency statute

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 4 (AB 1188) Costa Kidnapping

Existing law relative to kidnapping for ransom, reward, or other specified purposes provides a punishment of imprisonment in the state prison for life without possibility of parole in cases in which any person subjected to any of those acts suffers death or bodily harm, or imprisonment in the state prison for life with the possibility of parole in cases where no person suffers death or bodily harm

This bill would impose the term of life imprisonment without possibility of parole in cases in which any person subjected to any of those acts is intentionally confined in a manner which exposes the person to a substantial likelihood of death

Ch 5 (AB 1542) L. Stirling Teachers' Retirement System, State. generally

(1) Under the State Teachers' Retirement Law, the applicable limitation of action in any suit by or against the State Teachers' Retirement System does not commence until the filing of a claim or demand with the system

This bill would instead provide that no action by or against the system may be commenced 3 years after all obligations have been discharged

(2) The law presently defines "actuarial equivalent" in terms of benefits and requires the ages of members and beneficiaries to be taken to the next lower completed quarter year in that determination

This bill would define "actuarial equivalent" in terms of allowance and delete the requirement respecting quarter years

Ch 6 (AB 1576) Nolan Bicycles.

(1) Existing law provides that every person riding a bicycle is subject to the duties of a driver of a vehicle applicable under specified provisions of the Vehicle Code.

This bill would, instead, make every person riding a bicycle subject to the provisions of specified divisions of the Vehicle Code, would expressly include the provisions dealing with driving under the influence of intoxicating liquor or drugs, or the combined influence thereof, and would add to those provisions to which a bicyclist is subject the penalty provisions of the Vehicle Code. The bill would also specifically make any bicyclist riding upon a highway while under the influence of intoxicating liquor or drugs, or both, subject to a fine of not more than $250

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 7 (AB 1603) Filante Property taxation

Under existing law, every person owning taxable personal property having an aggregate cost of $30,000 or more must file a written property statement with the assessor on a prescribed form

This bill would provide that in lieu of completing the prescribed property statement form the taxpayer may furnish the information required to the assessor as attachments to the property statement provided that 1 copy of the property statement is executed by the taxpayer and carries appropriate reference to the data attached

This bill would provide that the reporting requirements are satisfied with respect to property belonging to others for which the declarer has contractual property tax obligations if the declarer includes that property in the property statement, submits the statement timely, and includes in the statement all information required in the statement pertaining to property belonging to others

Under existing law, the board of equalization for a county consists of either the county board of supervisors or 1 or more assessment appeals boards created by the board of supervisors which is empowered and required to equalize the valuation of the taxable property in the county by adjusting individual assessments

This bill would provide that if the county assessment appeals board fails to hear evidence on the application for reduction in assessment of property within 2 years of the timely filing of said application, the taxpayer's opinion of market value as reflected on the application for reduction in assessment shall prevail, with limited exceptions, as the basis upon which taxes are to be levied, unless the taxpayer and the county assessment

appeals board mutually agree in writing to an extension of time for the hearing.

Under existing law, certain penalties for delinquent property taxes are required to be waived by the auditor or tax collector if the assessee or the owner demonstrates that the delinquency is due to the failure of the tax collector to mail the tax bill to the address as provided on the tax assessor's roll

This bill would provide that with respect to a late or supplemental tax bill, the penalty imposed for delinquent taxes shall be waived by the auditor or tax collector for a period of 30 days following the date the late or supplemental bill is mailed

Ch 8 (AB 2050) Farr Special health care authority Monterey County

Under existing law, there is no entity designated as a Monterey County Special Health Care Authority

This bill would authorize the Board of Supervisors of Monterey County to order, by ordinance or resolution, the formation of this authority, and to provide for powers and duties of the board The board would be governed by a board of directors and would be authorized to develop and implement health care systems which promote quality care and cost efficiency, and to provide health care systems to persons eligible to receive health care from the state, county, federal government, or other persons or public agencies in Monterey County Dental care would not be included in the provisions of this bill The bill would, in addition, authorize the state, county or city to contract with the authority for such purposes

This bill would also provide for the appointment, and prescribe the duties, of professional and community advisory boards to the authority

The provisions enacted by this bill would be repealed on September 1, 1982, unless, prior to that date, the board of supervisors ordered the formation of the authority

This bill would take effect immediately as an urgency statute

Ch 9 (AB 2385) Goggin Patton State Hospital

Existing law provides for the jurisdiction of the State Department of Developmental Services over the Patton State Hospital

This bill would assign to the Director of Corrections the responsibility for the security of specified patients committed to the hospital The bill would require the transfer of a specified number of correctional officers to the hospital

The bill would take effect immediately as an urgency statute

Ch 10 (AB 1581) Herger State School Fund tax levies

Existing law authorizes county boards of supervisors to levy an annual tax upon the property of a school district which will have moneys withheld by the Controller from apportionments to be made to it from the State School Fund to repay the costs of school building aid projects

This bill would authorize the levying of an increased property tax in Nevada County to correct a shortfall in the computation of the tax for the Ready Springs School District in the 1980–81 fiscal year The amount would be levied instead in the 1981–82 fiscal year

This bill would take effect immediately as an urgency statute

Ch 11 (AB 1124) Hughes Schools special education programs

Under current law, the Commission for Teacher Preparation and Licensing is required to adopt by a specified date rules and regulations for a resource specialist certificate of competence Existing law specifies that the certificate shall provide for, among other things, a system of direct application to the commission for a certificate of competence for each teacher who satisfied a dual requirement that he or she (1) served as a resource specialist for 2 years prior to June 30, 1980, and (2) holds a valid special education credential other than an emergency credential

This bill would extend the date by which the commission must adopt rules and regulations for a resource specialist certificate of competence to July 1982

This bill would permit an applicant who holds a valid special education credential, other than an emergency credential, to satisfy the requirements for a certificate of competence if he or she provided instruction and services, as specified

This bill would take effect immediately as an urgency statute

Ch 12 (AB 960) Hallett California Beef Council Law: fees.

(1) Existing law requires sellers of cattle, with specified exceptions, to pay a fee of $0.25 per head to the Director of Food and Agriculture for support of the activities relating to the California Beef Council Law A fee of greater than $0 25 per head may only be charged with the approval, by a referendum in specified amounts, of the cattle producers in the state

This bill would increase the fee per head required to be paid for support of the activities relating to the California Beef Council Law to $1 and would exempt cattle or calves shipped into a California registered feedlot from out-of-state from this fee. The bill would also include any cattle slaughtered at a licensed slaughter plant among those cattle on which the fee per head need not be paid and would specify that these cattle shall be assessed as provided in (2) below

(2) Existing law requires that the per head fee for support of the council be paid for each head of cattle which originates in any other state and which is slaughtered in this state

This bill would repeal this provision and instead require that an assessment of $0 002 per pound based on chilled carcass weight, or $0 00233 per pound on boxed beef, as defined, or $0.00323 per pound on boned beef be collected from every out-of-state beef processor, as defined. The first handler in California of beef received from outside the state would be required to submit a list to the director of the out-of-state beef processors from whom beef has been received and would be subject to a civil penalty of $50 per violation of this requirement. An equivalent assessment of $0 002 per pound based on estimated chilled carcass weight, as computed pursuant to a specified formula, would be charged and collected on all beef which is slaughtered in California and may be paid either by the slaughterer or the seller as agreed to between them. These assessment provisions would remain in effect only until January 1, 1986, and as of that date would be repealed unless a later enacted statute deletes or extends that date

The bill would also require every out-of-state beef processor, before selling or offering to sell beef in California, to register with the Department of Food and Agriculture in a form prescribed by the director and pay a fee as specified.

(3) The bill would require the first handler in California of beef received from outside the state to pay the assessments required in the act if the state does not have jurisdiction over an out-of-state beef processor for the purpose of collecting the assessment and other specified conditions are met

(4) Existing law specifies permissible uses for funds raised for support of beef council activities

This bill would permit the expenditure of beef council funds to conduct cost-sharing advertising with nonbeef brand name products

(5) The bill would make an appropriation by increasing the amount of fees paid into a continuously appropriated fund

(6) The bill would provide that, if any portion of the act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application

(7) The act would take effect immediately as an urgency statute

Ch 13 (AB 966) Lehman Agricultural lands

Under existing law, the State Office of Planning and Research is required to prepare an inventory of present and potential prime agricultural land resources in California

This bill would delete that requirement and would, instead, require the Department of Conservation to annually collect or acquire information on the amount of land converted to or from agricultural use in the previous fiscal year for every county for which federal "Important Farmland Series" maps exist, and to annually report such changes to the Legislature, by category of agricultural land, as defined

The bill would require the Department of Conservation to annually update and send to counties, copies of Important Farmland Series maps, to make corrections in those maps requested by counties, to maintain the maps and other soils and land capability information, and to prepare and maintain an automated map and data base system for recording and reporting changes in the use of agricultural lands

Ch. 14 (AB 2214) Bosco Wild and scenic rivers: Smith River tributaries

(1) Under existing law, the Smith River and all its tributaries from the Oregon boundary to the Pacific Ocean are included in the California Wild and Scenic Rivers System

This bill would within the Smith River watershed exclude Hardscrabble Creek and all its tributaries from the system, classify Copper Creek and all its tributaries as recreational, prohibit any mining activity within a specified area which would result in a significant adverse effect to specified values, and make legislative findings in this connection.

(2) Under existing law, no dam, reservoir, or other water impoundment facility, other than specified measures for flood protection on the Eel River, may be constructed on or directly affect any river included in the system

This bill would permit the Secretary of the Resources Agency, upon specified findings, to authorize the emplacement of temporary impoundments for recreational purposes on portions of rivers included in the system which are classified as recreational.

(3) The bill would take effect immediately as an urgency statute

Ch 15 (AB 610) Berman Patient's access to health records.

(1) Existing statutes do not expressly guarantee a person access to his medical or other health records, although an attorney-at-law is entitled to inspect and copy specified medical and health records on behalf of a patient within 5 days after presentation of written authorization from the patient or a prescribed representative thereof.

This bill would, with specified exceptions, guarantee patients and former patients of specified health care providers, and certain representatives of patients and former patients, the right to inspect prescribed health records within 5 days after presenting a written request and payment of reasonable clerical costs The bill would require such a health care provider to supply copies of such records, upon request, to a patient, former patient, or patient's representative within 15 days after receiving a written request, a copying fee, not to exceed 25¢ per page or 50¢ per page, as prescribed, and reasonable clerical costs. Under the bill, X-rays and tracings derived from electrocardiography, electroencephalography, and electromyography could be transmitted to another health care provider within 15 days after receipt of the written request of a patient, former patient, or patient's representative in lieu of transmitting such X-rays and tracings to the patient, former patient, or representative

Under the bill, a health care provider could refuse inspection or copying of defined mental health records if the provider determines that disclosure would adversely affect the patient or former patient, but a patient or former patient could designate a physician, or psychologist to inspect and copy such records A health care provider could refuse to make a minor patient's records available to the minor's parents or guardian, where (1) the provider determines it would have a detrimental effect upon the provider's professional relationship with the minor, or (2) where general laws empower the minor to consent to the care which is the subject of the records, as prescribed. Additionally, this bill would provide that its provisions may not be construed to authorize a health care provider to make available information regarding communicable disease carriers in a manner prohibited by existing law, or where the information is required to be confidential under existing law

A health care provider would be exempted from liability relating to the quality of records provided, except as prescribed by existing law A health care provider would be exempted from any liability for the consequences of disclosing records as required by the bill

The bill would additionally authorize a health care provider to prepare a summary of patient health records as specified.

The bill would provide that except as otherwise provided by law, its provisions shall not be construed to authorize greater access to individual patient records, as prescribed, by any person, firm, association, organization, partnership, business trust, company, corporation, or municipal or other public corporation, or government officer or agency

Any health care provider willfully violating the bill would be guilty of unprofessional conduct, as prescribed Additionally, in a civil action brought to enforce the provisions of the bill, the court would have discretion to award attorney fees to the prevailing party.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 16 (AB 1683) Harris Emergency vehicles

(1) Existing law defines authorized emergency vehicles to include, among others, publicly owned ambulances and privately owned ambulances used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol [and various other specified vehicles used by federal, state, or local governmental agencies, including vehicles owned or operated by any department or agency of the United States when actively engaged in law enforcement work. Existing law also authorizes the commissioner to issue licenses for the transportation of hazardous material, as defined, including explosives]*

This bill [, instead,]* would ~~, instead,~~* include [, within the definition of authorized emergency vehicles,]* publicly owned and operated ambulances and privately owned or operated ambulances licensed by the commissioner to operate in response to emergency calls [and would delete from the defintion vehicles owned or operated by any department or agency of the United States when actively engaged in law enforcement work]*

The bill would authorize the commissioner to issue licenses for the operation of privately operated ambulances as well as privately owned ~~and operated~~* ambulances [, and would delete the authority of the commissioner to issue licenses for the transportation of hazardous material other than explosives]*

(2) Under existing law, licenses issued by the commissioner are not transferrable, are required to be returned and canceled if the operation changes name, other than a change of ownership, or changes address, which license is required to be replaced without fee The licensee is permitted to receive a duplicate license upon satisfactory proof of loss, destruction, or mutilation and payment of a fee

This bill would require that any change in ownership or control, as specified in the bill, would require a new license The bill would delete the change of address from the requirement for return and replacement of the license [,]* but would require the change of address to be reported within 10 days The bill would also delete the [requirement that a licensee furnish]* satisfactory proof of loss, destruction, or mutilation ~~from the authorization for a licensee to obtain~~ [before obtaining]* a duplicate license

(3) Existing law requires ambulance and armored car operators to have their vehicles inspected for compliance with the Vehicle Code before operating them

This bill would recast that provision and add the requirement for inspection for compliance with the regulations of the commissioner

(4) Existing law specifies reasons for denial of a license

This bill would also authorize the commissioner to deny a license of a corporate applicant if it is or will be directed, controlled, or managed by individuals or shareholders who are ineligible for a license and [if]* the licensing would likely defeat the purposes of the section specifying reasons for denial of a license

(5) Existing law authorizes the suspension, revocation, or other disciplinary action against a license for specified acts of the licensee or a partner, officer, or director of a licensee

This bill would also authorize discipline against a license for those specified acts done by a controlling shareholder or manager of a licensee

(6) This bill ~~would~~ [includes an ineffective provision to]* incorporate additional changes in Section 165 of the Vehicle Code, made by Senate Bill 689 [(which has been chaptered as Chapter 973 of the Statutes of 1981)]* , to be operative only if both this bill and Senate Bill 689 are chaptered [before January 1, 1982,]* and this bill is chaptered last

Ch 17 (AB 1512) Filante Correctional institutions prison visitor services

Under existing law, the management of the state prisons and the responsibility for the care and custody of persons confined therein is vested in the Director of the Department of Corrections

This bill would require the department to contract with a private nonprofit agency or agencies to provide prison visitor services, as specified Each contracting agency would be required to report annually to the department and to the Legislature

Ch 18 (AB 1880) Bosco. Eel River oxbow area lands

Under existing law, lands that were tide or submerged lands at the time of the admission of the state to the union are held by the state in its sovereign capacity subject to a public trust commonly referred to as the public trust for commerce, navigation, and fisheries

This bill would authorize the State Lands Commission to settle by agreement, exchange, or quitclaim any dispute as to whether particular lands within the Eel River oxbow area, as described, are in private ownership or proprietary ownership of the County of Humboldt, or are state sovereign lands. The bill would specify related matters.

The bill would take effect immediately as an urgency statute.

Ch 19 (AB 476) Bosco. State forests

(1) Under existing law, the Department of Forestry manages state forests, in accordance with plans approved by the State Board of Forestry, for the purpose of demonstration of economical forest management

This bill would declare it to be in the public interest to retain the existing land base of state forests in timber production for research and demonstration purposes, and to cooperate with local government in mitigating the impacts on school enrollment of geothermal development which occurs in proximity to state-owned forest lands.

(2) Existing law provides that state forest lands classified by the department and approved by the board as not suited for the growing of forest products or necessary to the management of the forest shall be sold.

This bill would authorize the Director of General Services, with the approval of the Director of Forestry and the State Public Works Board, in furtherance of the policy stated above, to sell for fair market value 10 acres of Boggs Mountain Demonstration State Forest to the Middletown School District to be used as a school site.

The bill would allow reimbursement of any cost incurred in the disposition of the parcel, thereby making an appropriation, and would require the remaining proceeds from the sale to be deposited in the General Fund to be used, when appropriated therefor by the Legislature, for purchasing land to add to the state forest system

The bill would also require that the Director of General Services except and reserve to the state all mineral deposits, as specified.

(3) The bill would take effect immediately as an urgency statute

Ch 20 (AB 1337) Duffy. Inland pilots rates

Existing law, in effect until January 1, 1984, specifies that all pilotage between and within the Bays of San Francisco, San Pablo, and Suisun and their tributaries to the Ports of Stockton and Sacramento, exclusive of the jurisdiction of the Port of Sacramento, shall be at such rates as are established by the Legislature, but permits the Port of Stockton to establish different rates for use within its jurisdiction The Pilotage Rate Committee is directed to make recommendations to the Legislature on the rates for such pilotage services. After January 1, 1984, pilotage between and within the ports of those bays is at such rates as are agreed upon by the parties

This bill would specify that, notwithstanding any other provision of law, rates for inland pilotage shall be 8% more than currently in existence as set forth in the schedule of ship pilot fees, Pacific Maritime Region, San Francisco Bay and Tributaries.

The bill would take effect immediately as an urgency statute.

Ch 21 (AB 1358) Lancaster. Public Employees' Retirement System. contributions

(1) The Public Employees' Retirement Law presently permits contracting agencies to pay all or a portion of a member's normal contributions

This bill would also permit school employers, who have a collective-bargaining agreement in effect on July 1, 1981, to pay those contributions and, under existing law, that matter would thus become subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide for specified reasons that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or

Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch. 22 (AB 1475) Farr. School district governing boards

Existing law permits the formation and maintenance of elementary school, high school, and unified school districts

This bill would allow the common governing board of an elementary school district and a high school district to treat both districts as a single school district, if the certificated employees of both districts have the same employee organization as their exclusive representative, for all purposes except as specified The bill would permit the transfer of funds between these districts, as specified, but would require the districts to publish annually the amount transferred to each district

Ch 23 (AB 873) Lancaster California Highway Patrol officers' uniforms—portions state provision or allowances

Existing statutes provide for annual uniform allowances for certain state employees generally, as specified, for state furnishing of all initial safety equipment, as defined, and for state payment of repair and replacement costs of uniforms of members of the California Highway Patrol damaged in the line of duty

This bill would require the Commissioner of the California Highway Patrol to provide members assigned to ride motorcycles with boots and to pay, for members assigned to aircraft operations, the cost of aviation boots and to make the boots directly available for purchase by those members

This bill would also provide that this bill would become operative only if SB 215 is chaptered

Ch 24 (AB 662) L Stirling Public retirement systems investments

(1) The State Teachers' Retirement Law presently prescribes the permissible investments of the State Teachers' Retirement Fund that may be made by the Teachers' Retirement Board

This bill would authorize the board to make specified real property investments.

(2) Public retirement systems are in some cases specifically authorized under existing law to make real estate investments

This bill would require those systems to reimburse the city or county for loss of property tax revenues resulting from real property investments and would authorize local governing bodies to authorize retirement asset property investments subject to that requirement The requirement would not apply to systems established by local governmental entities if they are presently authorized to make retirement asset real estate investments

Ch 25 (AB 548) Ryan Ridesharing

Existing law requires nonprofit mutual benefit corporations to make various filings with the Secretary of State for which filing fees are imposed

This bill would exempt from the payment of these filing fees a nonprofit mutual benefit corporation formed for the sole purpose of operating a single ridesharing vanpool vehicle, as specified, under an arrangement in which ridesharing is incidental to another purpose of the driver

Existing law authorizes various local agencies to impose taxes upon, or to regulate through licensing, the conduct of specified activities

This bill would preclude local agencies, as defined, from imposing a tax upon, or requiring a license for, the conduct of ridesharing which uses a motor vehicle of specified capacity, if the ridesharing purpose is incidental to another purpose of the driver of the ridesharing vehicle

Existing provisions of the Personal Income Tax Law exclude various specified items from gross income

This bill would exclude from gross income for taxable years 1981 to 1985, inclusive, compensation or any other benefit, except salary or wages, received by an employee from an employer for the actual costs of participation in various specified ridesharing arrangements in California

The bill would become operative only if SB 215 of the 1981–82 Regular Session is

enacted

Ch 26 (AB 103) Robinson Hazardous chemicals and substances

Existing law provides for the licensure and regulation of those engaged in the cleaning, dyeing, or pressing industry The State Board of Fabric Care is required, among other things, to establish rules and regulations governing the conduct of those engaged in the cleaning, dyeing, or pressing industry

This bill would provide, in addition, that the board may adopt rules and regulations governing the disposal of chemicals used by licensees in the scope of their licensed activities, and that these rules and regulations may include emissions standards

Existing law prohibits the use of more than one gallon of chlorinated hydrocarbon solvent for drycleaning if dangerously toxic concentration of vapors will accumulate or escape, as specified Existing law specifically defines the dangerously toxic concentrations of vapors of carbon tetrachloride, perchlorethylene, and trichlorethylene, and provides that the dangerously toxic concentrations of vapors for other solvents shall be established by regulations adopted by the board, as specified

This bill would delete the provision of law which specifically defines the dangerously toxic concentrations of vapors of carbon tetrachloride, perchlorethylene, and trichlorethylene

This bill would, in addition, prohibit any licensee from using carbon tetrachloride or trichlorethylene as a cleaning agent when performing drycleaning in a residence or any commercial or public building other than a licensed establishment or plant Violation of that provision would be a misdemeanor and a cause for disciplinary action

This bill would further appropriate $217,200 from the Fabric Care Fund to the board for the purposes of enforcing these provisions of the act

Existing law requires the Commission of Housing and Community Development to adopt such fire safety and fire-resistance standards relating to the manufacture, composition, and use of foam building systems There are no other provisions of existing statutory law regulating the use of urea formaldehyde foam insulation.

The bill would authorize the State Energy Resources Conservation and Development Commission to adopt such regulations pertaining to urea formaldehyde foam insulation, as defined, as are reasonably necessary to protect the public health and safety, as specified

The bill would make legislative findings and declarations relating to urea formaldehyde foam insulation

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

The bill would take effect immediately as an urgency statute

Ch 27 (AB 1612) Berman Local planning

(1) Existing law requires the adoption by each city and county of a general plan, consisting of specified mandatory and optional elements, and requires that zoning and proposed subdivisions within the area conform to the adopted general plan

Under existing law, a mandatory element of a general plan may not be amended more than 3 times in a calendar year, except that this limitation does not apply to any amendment which is necessary to accommodate a proposed residential development, at least 25% of which constitutes low- or moderate-income housing, as defined

~~This bill would provide that the specified percentage of low/ or moderate/income housing may be on the same site as the other residential units proposed to be developed or at another site or sites encompassed by the general plan, and that the combined total number of residential units shall be considered a single development proposal for such purposes.~~*

This bill ~~also makes~~ [would make]* the limitations on the frequency of amendments to a general plan inapplicable to amendments made to comply with prescribed court decisions

(2) Under existing law, relative to actions to challenge the validity of a general plan of a city or county, a court may grant such relief as it deems necessary or just, consistent with the action and with constitutional restrictions

This bill would restrict the authority of a court to grant certain forms of relief in such actions, would require that challenges to the adequacy of general plans be brought pursuant to a writ of mandate, would specify the relief which may be granted by the court during the pendency of, or upon a determination of, any particular case, and would expressly authorize the use of referees or other judicial assistants in certain actions.

Ch 28 (AB 171) Vasconcellos Appropriation payment of claims

This bill would appropriate $12,404,670† from the General Fund to pay reimbursement claims as specified

This bill would also reappropriate $794,543 from the schedule in the 1981 Budget Act item for support of the Department of Industrial Relations, relating to the prevention of industrial injuries and deaths of California workers, to the State Board of Control for costs mandated under specified general industry safety orders relating to personal protective clothing and equipment for firefighters.

This bill would take effect immediately as an urgency statute

Ch 29 (AB 2059) Campbell Loans.

(1) Existing provisions of the Fair Political Practices Act of 1974, dealing with the contents of campaign statements, provide that a loan received by a candidate or committee is a contribution unless the loan is made from a commercial lending institution, or it is clear that it is not made for political purposes However, a separate provision of the act defining the term "contribution" provides, in part, that contribution means a loan except to the extent that full and adequate consideration is received.

This bill would clarify the provision dealing specifically with the contents of campaign statements by excluding the application of the definition of "contribution" to that provision

(2) Existing law under the Political Reform Act of 1974 requires specified public officers to disclose in their annual statements, the name and address of each source of income aggregating $250 or more in value or $25 or more in value if the income was a gift

This bill would increase the amount required to be reported for gifts to $50

(3) Existing law prohibits the making of a gift totaling $25 or more in a calendar year to specified public officers on behalf of another, or while acting as the intermediary or agent of another without disclosing specified information to the recipient

This bill would increase the threshold amount required to be reported to $50

Ch 30 (SB 987) Holmdahl. California Conservation Corps. support.

This bill would appropriate $1,200,000 from the contingency reserve for economic uncertainties in the General Fund for the support of the California Conservation Corps during the 1981–82 fiscal year to replace the loss of federal funds for the support of corpsmembers' salaries and state workers' compensation costs for the corps that are increased due to the loss of federal support in the 1981–82 fiscal year

The bill would take effect immediately as an urgency statute

Ch 31 (SB 925) Keene Courts· Sonoma County

Under existing law, specified civil actions pending in the superior court in Sonoma County on or before October 1, 1981, must be submitted to arbitration

This bill would extend that program until October 1, 1983

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

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† Appropriation deleted by action of the Governor.

This bill would take effect immediately as an urgency statute

Ch 32 (SB 359) Alquist Armories lease and rental income

Existing law authorizes the Commanding General of the State Military Forces to rent, lease, or authorize the use of armories under various circumstances and conditions and directs the deposit of revenues and income derived therefrom to the credit of the General Fund

This bill would continuously appropriate the revenues and income to the Commanding General for allocation for the maintenance, repairs, improvements, and operating expenses of the armory from which the revenues and income were derived

Ch 33 (AB 1376) Thurman San Joaquin Valley agricultural drain

Under existing law, any discharge that could affect the quality of the waters of the state, other than into a community sewer system, is subject to waste discharge requirements prescribed by the State Water Resources Control Board or a California regional water quality control board in accordance with the Porter-Cologne Water Quality Control Act.

This bill would prohibit any discharge from a San Joaquin Valley agricultural drain to the Delta, Suisun Bay, or Carquinez Straits until the requirements of the Porter-Cologne Water Quality Control Act and the Federal Clean Water Act are satisfied, and would direct the state board, if a drain, including the drainage facility authorized as part of the San Luis Unit of the federal Central Valley Project, is constructed and discharges to such waters, to permit the discharge only if it finds that specified additional requirements are satisfied The bill would prohibit any discharge from such a drain into Monterey Bay or tributaries draining into the bay

The bill would also specify that the state's participation in the drain shall be subject to specified provisions governing fish and wildlife and recreation in connection with state water projects, and would specify related matters

Ch 34 (SB 910) Presley County jails bonds

Existing law provides for the County Jail Capital Expenditure Fund and for expenditures from that fund as specified

This bill would enact the County Jail Capital Expenditure Bond Act of 1981 which, if adopted would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $280,000,000 to provide for the construction, reconstruction, remodeling, replacement, and deferred maintenance of county jail facilities, as specified

Ch 35 (AB 1582) Imbrecht Assignment for the benefit of creditors

Existing law provides for the termination of a lease because of a breach of the terms of the lease except in certain circumstances

This bill would provide that in any general assignment for the benefit of creditors, the assignee shall have the right to occupy leased business premises held by the assignor for up to 90 days after assignment upon payment of rent, as specified

Existing law permits a creditor to set aside, annul, or disregard certain conveyances or obligations which are fraudulent as to that creditor

This bill would permit an assignee of a general assignment for the benefit of creditors to exercise those rights

Existing law permits an assignee of a general assignment for the benefit of creditors to recover a transfer of property of the assignor made to or for the benefit of a creditor, on account of a prior debt of the assignor, made while the assignor was insolvent, that enables the creditor to receive more than another creditor of the same debt, if it was made on or within 90 days before making the assignment

This bill would also provide for a right of recovery for such a transfer if it was made between 90 days and one year before making the assignment and the creditor was an insider who had reasonable cause to believe that the debtor was insolvent

This bill would take effect immediately as an urgency statute

Ch 36 (AB 2201) Imbrecht Corporations

Under existing law, a corporation is prohibited from making loans to, or guaranteeing the obligations of, any director or officer of the corporation or its parent or any subsidiary

unless the action is approved by the vote of a majority of the shares of all classes other than those held by a benefited director, officer, or shareholder, or it is pursuant to certain employee benefit plans whenever the board determines the loan or guaranty may reasonably be expected to benefit the corporation.

This bill would provide that such a loan or guaranty would be prohibited unless the transaction or employee benefit plan authorizing the loan or guaranty is either approved by the shareholders under specified conditions, or approved by the unanimous vote of the shareholders The bill would further provide that if the corporation has outstanding shares held of record by 100 or more persons on the date of approval by the board, and has a bylaw approved by the outstanding shares authorizing the board alone to approve such loan or guaranty to an officer, or an employee benefit plan authorizing a loan or guaranty to an officer, such a loan or guaranty to an officer or the employee benefit plan may be approved by the board alone if the board determines the action may reasonably be expected to benefit the corporation.

Under existing law, a corporation is prohibited from making loans to, or guaranteeing the obligations of any person upon the security of corporate shares unless the action is approved by the vote of a majority of the shares of all classes other than those held by the benefited party, or the loan or guaranty is otherwise adequately secured

This bill would provide that a loan or guaranty upon the security of corporate shares would be prohibited unless the loan or guaranty is otherwise adequately secured, it is made pursuant to certain employee benefit plans, it is approved by the shareholders, as specified, or is approved by the unanimous vote of the shareholders.

Existing law provides that if the approval of outstanding shares of a corporation is required for reorganization under specified conditions, each shareholder may require the corporation to purchase his or her dissenting shares for cash

This bill would specify that this right belongs to a shareholder who is entitled to vote on the transaction

Under existing law, the annual report of a corporation which is required to be sent to the shareholders must include specified information relating to corporate transactions involving an amount in excess of $40,000 in which any director or officer of the corporation or of a subsidiary or a holder of more than 10% of the outstanding voting shares, had a direct or indirect material interest The reports need not include this information, however, in the case of transactions approved by the shareholders pursuant to specified provisions of law

This bill would instead provide that this information need not be reported in the case of any such transaction approved by the shareholders

Under the existing Nonprofit Corporation Law, a member of a nonprofit corporation is defined as any person who, pursuant to a specific provision in a corporation's articles or bylaws, has the right to vote for either (1) the election of directors or the approval or disapproval of certain corporate transactions, as specified, or (2) the selection of delegates who possess these voting rights

This bill would revise the definition of a member to delete the provisions relating to the selection of delegates.

This bill would take effect immediately as an urgency statute.

Ch 37 (AB 494) L. Stirling. Public Employees' Retirement System· safety members.

The Public Employees' Retirement Law provides separate benefits for state safety and state miscellaneous members.

This bill would include specified employees of the Department of Parks and Recreation and the Military Department in the state safety category of membership and would terminate their federal social security coverage. The provisions would not become operative until receipt of a federal ruling authorizing such termination.

The bill would also increase state contributions to the Public Employees' Retirement Fund by a specified amount.

This bill would take effect immediately as an urgency statute

Ch 38 (AB 1667) Elder. Civil procedure.

Existing law generally provides that in actions in a justice or municipal court relating to certain consumer contracts the complaining party shall state facts in a verified com-

plaint or affidavit showing the action is in a proper court for trial. Failure to file the verified complaint or affidavit requires dismissal of the action, or if it appears from the documents the action is not in the proper court, the action must be transferred to a proper court

This bill would include within the above provisions an action relating to consumer contracts for personal, family, or household use, or for an unlawful detainer, as specified

Existing law further provides that where the verified complaint or affidavit shows the action is not in a proper court, the defendant may consent in writing or in open court to keep the action in the court where commenced and that, for specified consumer contract actions, consent may be given by a defendant represented by counsel at the time consent is given notwithstanding provisions prohibiting the waiver of requirements that those actions be filed in certain courts

This bill would provide that consent to keep the action in a court which is not the proper court may be given by a defendant in an action relating to consumer contracts for personal, family, or household use or unlawful detainer, as specified, only where the defendant is represented by counsel at the time consent is given

Ch 39 (SB 196) Carpenter. Appropriation Department of Justice

This bill would appropriate $90,000 in augmentation of Item 819-001-001 of the Budget Act of 1981 in order to settle a specified claim against the state

This bill would take effect immediately as an urgency statute

Ch 40 (AB 1400) Cortese Mobilehomes

(1) Existing law requires the Department of Housing and Community Development to title or register mobilehomes in a prescribed manner

This bill would provide that the information to be provided in an application for the original registration of a mobilehome or commercial coach shall include the mailing address of the registered owner, legal owner if any, and junior lienholders if any.

(2) Under existing law, dealers must submit within 10 calendar days from the date of sale an application in proper form to register or transfer registration of the mobilehome or commercial coach It requires a dealer to pay an administrative service fee for failure to submit that application within 10 calendar days from the date of sale

This bill would increase the administrative service fee to $200 if the application is submitted after 60 calendar days from the date of sale

(3) Under existing law, it is a misdemeanor to violate any of the terms and provisions relating to escrow

This bill would additionally, with respect to escrow, make it a misdemeanor to violate any of the terms relating to purchase documents and receipts for deposits, as specified.

(4) Existing law provides that on or after July 1, 1980, any mobilehome, with respect to which the license fee required to be paid under the Vehicle License Fee Law has been delinquent for a period of 120 days or more, shall no longer be subject to the provisions of that law, but, instead, shall be subject to the provisions of law governing local property taxation

This bill would establish a procedure to permit owners whose mobilehomes have or will become subject to local property taxation because of those delinquent license fees to file a petition with the Department of Housing and Community Development, within a specified time period, to have those mobilehomes excluded from the application of local property taxation and to have them made subject to the Vehicle License Fee Law It would specify the respective duties of the county assessor and the Department of Housing and Community Development in connection with the reinstatement of those mobilehomes under the Vehicle License Fee Law.

The bill would require that certain service fees be paid in connection with the reinstatement and continuously appropriates the fees to the Director of Housing and Community Development to carry out the purposes of the bill in connection with these reinstatements

(5) Existing law defines, for purposes of the Vehicle Code, manufactured housing to include mobilehomes, commercial coaches, or factory built housing, all of which are, for purposes of the Vehicle Code, trailer coaches over 8 feet in width or 40 feet in length

Existing law also authorizes the issuance of special or annual permits to move mobilehomes or factory-built housing up to 14 feet in total width, exclusive of lights and devices

This bill would delete the authority to issue special or annual permits to move mobilehomes or factory built housing up to 14 feet wide, and instead authorizes those permits for manufactured hous ng, as defined, up to 14 feet in total width, exclusive of lights and devices

(6) Chapter 366 of the Statutes of 1981 increased the delinquent penalties for late payments of property taxes from 6% to 10%

This bill would express the intent of the Legislature to provide that the penalty increases become operative commencing with the 1982–83 fiscal year

(7) The bill would make various technical, nonsubstantive changes

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(10) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(11) This bill would take effect immediately as an urgency statute

Ch 41 (AB 769) Naylor. Wills

(1) Under existing law, a beneficiary may disclaim his or her interest in property, or any estate in the property, as specified The term "beneficiary" is defined to mean and include any person entitled to take an interest by 9 enumerated methods of acquiring property

This bill would enumerate 5 additional methods of acquiring an interest which may expressly be disclaimed

(2) Under existing law, the provisions of a will may adversely affect the testator's intention regarding a marital deduction gift if estate tax provisions are not precisely followed

This bill would do the following

(a) Provide that the provisions of any will shall be construed to comply with the marital deduction provisions of the Internal Revenue Code, except as otherwise provided, and provide that an executor, trustee or other fiduciary under a will shall take no action or have no power to impair the marital deduction The bill would establish a similar rule of construction for charitable remainder unitrusts and charitable remainder annuity trusts

(b) Provide that wills executed on or before September 13, 1981, which indicate the testator's intention to make a gift that will provide the testator's estate with the maximum marital deduction shall pass to the designated recipient an amount equal to the maximum marital deduction which would have been allowed under federal law prior to August 13, 1981, as specified

(c) Authorize designated adjustments to be made to ensure that a will dated on or before September 13, 1981, passes to the recipient the maximum marital deduction allowed as of the testator's death for federal estate tax purposes, if the will indicates an intention to that effect

(d) Provide as to wills dated on, before, and after September 13, 1981, that if the testator's intent has been to make a marital or charitable deduction gift that such intent be given full effect

(e) Specify that any survivorship requirement in a will in excess of 6 months shall not apply to property passing under a marital deduction gift

(3) The bill would apply to any distribution made after the effective date of the bill, regardless of whether the testator died before or after such date, unless a will contains terms which would make the bill's provisions inapplicable

Under existing law, an action upon the liability of a surviving spouse is barred, as specified, if probate proceedings have been commenced for the estate of the deceased spouse and if notice to creditors has been given by the personal representative

This bill would delete the above-referenced contingency as to notice and instead would condition the provision barring liability, where probate proceedings have been commenced, to the commencement of the time for the filing or presenting of claims by creditors

Under existing law, notice to creditors causes a time period to commence relative to filing a petition for a preliminary distribution of a decedent's estate, and authorizes the filing of a petition for a court determination of heirship

This bill would delete the above-referenced contingency as to notice and instead would condition the provision for filing such petitions upon the commencement of the time for filing or presenting claims

Ch 42 (AB 415) Goggin Crimes

Prior law established a Career Criminal Prosecution Program, whereby the executive director of the Office of Criminal Justice Planning allocated funds to counties in which career criminal prosecution units were established to provide enhanced prosecution procedures for persons under arrest who suffered previous convictions or were charged with multiple offenses, as specified The provisions were operative only until January 1, 1982, and on such date were repealed

This bill would reenact the authority for the program, but would delete requirements for specified guidelines and revise provisions for reports relative to the program, revise the list of subject offenses, and revise the policies for the prosecution of career criminal cases

Prior law provided criteria for local diversion programs as defined The provisions were repealed January 1, 1982

The bill would reenact the provisions until January 1, 1985, would apply them to misdemeanors only and would require approval by the prosecutor of the diversion program before any person is diverted.

Existing law provides for a community treatment program for specified mothers and children in the Department of Corrections

This bill would expand the program to include older children and mothers with longer periods of incarceration, and would make other changes as specified

The bill would appropriate a specified sum for allocation under the Career Criminal Prosecution Program

The bill would take effect immediately as an urgency statute

Ch 43 (AB 321) Hannigan Coastal zone local coastal programs development permits

(1) The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act The existing law requires local governments to prepare and adopt housing elements for their jurisdictions, including, under specified conditions, provisions for low- and moderate-income housing in the coastal zone

This bill would modify, with substantive changes, those provisions of law

(2) The coastal resources planning and management policies, among other things, provide for specific treatment of prime agricultural land, as defined, under the act

This bill would redefine prime agricultural land, for the purposes of this act, by deleting from its definition land which has returned from the production of unprocessed agricultural plant products a prescribed annual gross value for a designated period, and would revise the policy dealing with prime agricultural land

(3) Under the act, certain designated areas in the community of Capistrano Beach and the City of San Clemente are excluded from the coastal zone as indicated on

specified maps

This bill would reduce the number of acres excluded in the community of Capistrano Beach and add and exclude additional areas in the City of San Clemente, as prescribed

(4) The existing law requires the commission to prepare, approve, and adopt, by a certain date, a local coastal program for specified areas within the City of Carlsbad

This bill would revise those provisions with respect to implementation of those programs

(5) The coastal resources planning and management policies of the act, generally, provide for the standards in carrying out the act as to public access, housing and recreation opportunities, marine environment, land resources, and various designated types of developments

This bill would provide that, where the California Coastal Commission or any local government in implementing the provisions of the act identifies a conflict between these policies, designated legislative findings and declarations, which provide for resolving policy conflicts in a prescribed manner, would be required to be utilized to resolve the conflict, and the resolution of such conflicts would be required to be supported by appropriate findings setting forth the basis for the resolution of identified policy conflicts

(6) The coastal resources planning and management policies provide for specific treatment of wetlands and coastal waters

This bill would permit the placing of material removed from designated erosion and flood control facilities at appropriate points on the shorelines, under prescribed conditions and controls

(7) The act requires a majority vote of the total appointed membership of the California Coastal Commission to take prescribed actions pertaining to the local coastal provisions

This bill would delete that requirement and, thus, the commission vote requirements would be the same as for taking other actions, generally, under the act The bill would revise the provisions setting forth procedural requirements for the adoption of rules and regulations by the commission

(8) Under the act, generally, each local government is required to prepare a local coastal program in conformance with those policies for that portion of the coastal zone within its jurisdiction, and provides for approval and certification of any such program, including a land use plan thereof, by the commission The act provides for amending the local coastal programs and for the submittal of amendments to the commission for certification before they become effective, and for specific treatment of amendments that are designated as minor in nature

This bill would revise the provisions dealing with the certification of local land use plans It would prevent more than 3 submittals of proposed amendments to a certified local coastal program in any calendar year It would include the amendments designated as requiring rapid and expeditious action under the provisions specifically governing amendments designated as minor in nature

(9) The act requires, with exceptions, any person wishing to perform or undertake any development in the coastal zone to obtain a coastal development permit

This bill would authorize the commission to recommend, as prescribed, to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance

The bill would revise the provisions which set forth the procedure to be followed by local governments under certain conditions in issuing coastal development permits, and provide for funding to cover costs incurred in the issuance of coastal development permits by local governments under prescribed conditions

The bill would provide for submission of an application for a coastal development permit by an applicant who is not the owner of a fee interest in the property on which a proposed development is to be located, but who can demonstrate a legal right, interest, or other entitlement to use the property for the proposed development.

The bill would exempt from coastal development permit requirements any activity anywhere in the coastal zone that involves the conversion of any existing multiple-unit residential structure to a time-share project, estate, or use, as defined The bill would also provide that, if any improvement to an existing structure is otherwise exempt from coastal development permit requirements, no coastal development permit would be

required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to these provisions

The bill would modify, with substantive changes, the provisions dealing with any proposed development on public trust lands

The bill would provide for the issuance of waivers, by the executive director of the commission, from coastal permit requirements for any development which meets the prescribed conditions

(10) The act provides for the payment of in-lieu public access fees by any person receiving a coastal development permit or a certification of exemption for development of any designated land in an area for which a specified public access program has been adopted by the commission It provides for determining the amount of such fee.

This bill would set that in-lieu fee at a specific amount in a designated portion of Santa Barbara County It would make various legislative declarations as to that area of the coastal zone and as to the implementation of the public access program It would also amend and supplement the Budget Act of 1981 by appropriating $500,000 from the Parklands Fund of 1980 for the support of the State Coastal Conservancy for deposit to the Coastal Access Account to implement a public access program in that designated portion of Santa Barbara County

(11) The act also provides for an appeal to the commission on any action taken by a local government on various designated developments located in designated areas of the coastal zone, and specifies the grounds on which an appeal pursuant to these provisions may be made to the commission

This bill would revise these provisions, and make other conforming changes in the act

(12) Under the existing law, certain counties having portions of the coastal zone within their boundaries, which are subject to court orders to revise their general plans, are required to adopt general plans for all areas of their counties not within the coastal zone not later than May 1, 1981, and countywide general plans by July 1, 1981, in conformance with existing law

This bill would, instead, require those counties to adopt general plans for all areas of their counties not within the coastal zone not later than May 1, 1982, and countywide general plans by July 1, 1982

(13) The bill would also provide, with prescribed exceptions, that local governments would be reimbursed pursuant to designated provisions of the California Coastal Act of 1976 for costs that may be incurred by them in carrying out any program or performing any service required by the bill

(14) The bill would take effect immediately as an urgency statute

Ch. 44 (AB 1506) Filante Taxation: floating homes

Existing law generally classifies floating homes as personal property for purposes of property taxation

This bill would assess floating homes, as defined, in the same manner as real property, but would substitute the 1979 lien date for the 1975 lien date in determining their valuation

The bill would provide that there shall be no reimbursement to local agencies for property tax revenues lost by reason of this enactment.

This bill would take effect immediately as an urgency statute

Ch 45 (AB 151) Deddeh Property taxation

Under existing law, local agencies in general are not required to report to any state agency the property tax rate levied by, or on behalf of, the local agency

This bill would require each local agency, as defined, to annually report to the Controller specified information concerning that portion of the ad valorem property tax rate levied by, or on behalf of, the agency which is in excess of the tax rate limitation prescribed by subdivision (a) of Section 1 of Article XIII A of the Constitution It would require each of those agencies to report to the Controller that specified information for fiscal years 1978–79, 1979–80, 1980–81, 1981–82, and 1982–83 It would also require the Controller to compile and publish annually that information

The bill would appropriate $24,500 from the General Fund to the Controller to carry out the duties prescribed by the bill

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 46 (AB 550) Ryan Ridesharing.

Existing provisions of the Public Resources Code authorize the Department of Transportation to establish ridesharing programs in metropolitan areas for public and private employees

Existing law also prohibits transporting another person on an individual fare basis unless the transporter is certificated or permitted by the Public Utilities Commission or the Interstate Commerce Commission, except, among others, the transportation of passengers in a vehicle with a seating capacity of 15 or less if the driver is driving to and from his place of employment

This bill would define ridesharing in the Vehicle Code to be 2 or more persons traveling by any mode and would define a vanpool vehicle. The bill would except the transportation of persons between home and work locations or of persons having a common work-related trip purpose in a vehicle with a seating capacity of 15 or less, including the driver, used for the purpose of ridesharing, when the ridesharing is incidental to another purpose of the driver, from the prohibition of transporting another person on an individual fare basis

The bill would exclude that transportation from the definition of passenger stage corporation and of charter-party carrier of passengers for purposes of regulation of those corporations and carriers

The bill would exclude vehicles used for that transportation from the definition of a bus and the definition of a commercial vehicle

The bill would include vehicles used for that transportation in the definition of passenger vehicles in the Vehicle Code for registration and other purposes and would require only a class 3 driver's license to operate those vehicles. It would require drivers of vanpool vehicles to possess, additionally, evidence of a medical examination required for a class 2 license and to keep in the vehicle a sworn statement that he or she has not been convicted of drunk driving, reckless driving, or a hit-and-run offense in the last 5 years

The bill would also exempt vanpool vehicles from commercial vehicle weight fees and certain specified safety regulations The bill would instead specifically provide the safety requirements that vanpool vehicles are required to comply with when transporting passengers for any purpose

Ch 47 (AB 2137) La Follette Boards of supervisors publication of proceedings

Existing law requires the county board of supervisors to publish a fair statement of all its proceedings within 10 days after each session of the board

This bill would permit the board of supervisors of any county with a population of 250,000 or more persons, in lieu of the above provisions, to provide copies of agendas and summaries of proceedings to every newspaper, radio and television station, and library in the county, and to any other person who requests such information

Ch 48 (AB 14) Nolan Vietnam veterans herbicide exposure

Under existing law, the Department of Veterans Affairs administers various state programs for the benefit of veterans

This bill would require the department to assist Vietnam veterans or dependents in presenting and pursuing claims that a veteran or dependent asserts that he or she may have against the United States arising out of exposure to herbicides, including Agent Orange, as defined The bill would require the department to provide an outreach

program to inform those veterans of the possible detrimental effect of herbicide exposure in Vietnam, to retain information on those veterans responding to the outreach program, and to submit a report, as specified, on information compiled from the program to the Legislature by January 1, 1985 The bill would prescribe related duties of the department, and would make legislative findings

The bill would take effect immediately as an urgency statute and would be repealed as of June 30, 1985

Ch 49 (AB 1063) Rogers Kern County Water Agency

(1) Under existing law, the Kern County Water Agency is generally required to award contracts in excess of $4,000 to the lowest responsible bidder The agency is authorized to have work which consists of channel protection, maintenance work, or emergency work, when necessary in order to protect life and property from impending flood damage, done by force account without advertising for bids

This bill would increase the amount for which contracts are required to be put to competitive bid to $10,000 The bill would also define, for purposes of the Kern County Water Agency Act, the terms channel protection work, maintenance work, emergency work, and force account, and would delete the requirement that the work be necessary to protect life and property from impending flood damage

(2) Under existing law, the board of directors of the agency is required to hold a public hearing during October of each year in connection with the levy of a groundwater charge in an improvement district

This bill would change the date of the hearing to March and would make related changes The bill would also exempt specified work from provisions imposing general requirements for an investigation and report and a hearing before any works or improvements may be undertaken

(3) Under existing law, the agency may not undertake specified actions unless previously approved by the Board of Supervisors of Kern County

This bill would prohibit the board of directors of the agency from approving an agency budget or submitting it to the board of supervisors for approval, unless it has first conducted a public hearing

(4) Under existing law, improvement districts may be formed within the agency, in accordance with prescribed procedures, to undertake projects of special benefit to the improvement district

This bill would revise the procedures for formation of an improvement district, and would authorize, subject to specified conditions and in accordance with prescribed procedures, the imposition of a benefit assessment on real property within an improvement district

(5) The bill would take effect immediately as an urgency statute

Ch 50 (AB 566) Ivers Counties. emergencies sundry services

Existing law authorizes the board of supervisors in counties having a population of 900,000, or more, to direct by ordinance the purchasing agent to engage independent contractors to perform sundry services for the county and the officers thereof, with or without the furnishing of material, where the estimated aggregate cost does not exceed $25,000, and, upon such direction, requires the purchasing agent to so engage independent contractors

In counties of less than 900,000 population, the purchasing agent is required to engage independent contractors to perform such services where the cost thereof does not exceed a specified cost

This bill would, notwithstanding such provisions, authorize the board of supervisors of any county, when it has proclaimed a local emergency pursuant to prescribed provisions of the California Emergency Services Act, to direct the purchasing agent to engage independent contractors to perform sundry services related to the local emergency for the county and officers thereof, with or without the furnishing of material, in such amounts as the board of supervisors may establish, and, upon such direction, would require the purchasing agent to so engage independent contractors

Ch 51 (AB 346) Hannigan. Capitol area development

Existing law defines the "Capitol area" for purposes of the Capitol Area Plan, and "project area" for purposes of defining the redevelopment area of the Capitol Area Development Authority

This bill would redefine such areas by moving the boundaries. The bill would also include the bounding streets in the areas and would provide that this is declaratory of existing law. The bill would also specifically make the authority eligible for state aid available to housing authorities, and provide that this is declaratory of existing law

The bill would take effect immediately as an urgency statute but would specify that for the purpose of allocating taxes the base year shall not be adjusted until the commencement of the 1982–83 fiscal year

Ch. 52 (SB 1213) Maddy. School districts. real property.

Under existing law, the governing board of any school district is authorized to lease land for a term extending to the expected duration of use by the district. Any lease contract or agreement entered into pursuant to this authority must be initiated by a board resolution authorizing this action and prescribing the terms thereof by a vote of a majority of the members of the governing board.

This bill would authorize the governing board of any school district to enter into a lease-purchase agreement to lease land without buildings located thereon.

This bill would take effect immediately as an urgency statute

Ch 53 (AB 542) Moorhead Motor vehicles driving under the influence.

(1) Under existing law, any person convicted of a second or subsequent offense of driving upon a highway with a suspended or revoked driver's license which occurs within 7 years of a prior conviction is subject to enhanced penalties

This bill would make the prohibition on driving with a suspended or revoked license apply anywhere and would make those enhanced penalties apply if the subsequent offense occurred within 7 years of the prior offense and make other conforming and technical changes

(2) Under existing law, "alcoholic beverage" is defined in the Vehicle Code for purposes of the regulation of driving while under the influence and certain storage, drinking, and certain possession prohibitions in the Vehicle Code.

This bill would make that definition apply to the entire Vehicle Code

(3) Under existing law, it is a misdemeanor to drive a vehicle with over 0 10% by weight alcohol in the blood upon a highway or upon other than a highway in areas which are open to the general public

This bill would make that driving unlawful anywhere

(4) Under existing law, it is a felony or a misdemeanor to drive a vehicle with over 0.10% by weight alcohol in the blood and proximately cause death or bodily injury to another person

This bill would, instead, make it a felony or a misdemeanor to drive a vehicle with over 0 10% by weight alcohol in the blood and do any act forbidden by law or neglect any duty imposed by law in the driving of the vehicle, which act or neglect proximately causes death or bodily injury to another person

(5) Under existing law, a person with less than 0 05% by weight of alcohol in the blood is presumed to not be under the influence of an alcoholic beverage for purposes of the prohibition against driving under the influence of an alcoholic beverage There is no presumption for greater quantities, but existing law also prohibits driving with greater than 0 10% by weight of alcohol in the blood upon a highway or in areas open to the general public

This bill would establish a presumption that if there was 0 10% or more by weight of alcohol in a person's blood at the time of the test, that the person was under the influence of an alcoholic beverage at the time of an alleged offense of driving under the influence. The bill would make the prohibition on driving with an excessive blood alcohol level apply anywhere

(6) Existing law prohibits a court from striking any prior conviction of driving under the influence or a specified reckless driving offense in certain cases for the purpose of avoiding specified minimum imprisonment or fines

This bill would also prohibit that striking for the purpose of avoiding revocation, suspension, or restriction of the driving privilege

(7) Existing law prohibits a court from referring a person to any program or provider

of certain programs in which an employee of the court has a direct or indirect economic interest

This bill would except from that prohibition employees of a court monitoring attendance for the court under specified conditions.

(8) Existing law prohibits driving a vehicle while under the influence of an alcoholic beverage, as defined, any drug, or a combination of an alcoholic beverage and any drug, and certain other acts relating to alcoholic beverages and motor vehicles

Chapters 939, 940, and 941 of the Statutes of 1981 revised and recasted the provisions of law relating to driving under the influence and certain other acts relating to alcoholic beverages and motor vehicles

This bill would amend other provisions of law to conform to the changes made by the Statutes of 1981 and would make other technical and conforming changes

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(10) The bill would take effect immediately as an urgency statute.

Ch. 54 (AB 929) Rogers. Commission for Economic Development

Existing statutes establish the Commission for Economic Development as a state advisory body and prescribe its membership, officers, meetings, powers, and duties

This bill would prescribe specified means by which the commission is to carry out its duties and powers, revise provisions relating to officers; authorize appointment of task forces, as specified; specify that all commission meetings shall be open to the public; confer upon the commission specified duties and powers; revise the advisory duties of the commission; and make technical changes

Ch 55 (AB 2045) Rosenthal. Board of Osteopathic Examiners.

Existing law provides that the renewal fee for persons who hold osteopathic licenses is to be fixed by the Board of Osteopathic Examiners at a sum, as specified, which, until December 31, 1982, is not to exceed $200

This bill would increase such maximum sum to $400 and would delete the December 31, 1982, limiting date.

Existing law provides for an annual tax and registration fee to be set by the board at a sum not exceeding $200 nor less than $10, until December 31, 1982, for those applicants who inform the board in writing that they do not intend to practice under the Osteopathic Act for that period of time covered by the annual tax and registration fee and after December 31, 1982, the annual tax and registration fee is not to be levied.

This bill would increase the maximum annual tax and fee to $400, would increase the minimum fee to $25, and would delete the December 31, 1982, limiting date

Existing law provides that an applicant for an osteopathic license shall pay a fee of $10 if the applicant does not qualify for a license or desires not to take the examination or fails to receive a certificate and the law provides for an application fee of $10 for an application for a reciprocity certificate

This bill would increase those fees to $50

Existing law provides that the fee for failing to pay the annual tax and registration fee is $50

This bill would provide that the fee for failing to pay the annual tax and registration fee shall be fixed at not more than 50% of the current tax and registration fee.

This bill would make the aforementioned changes operative only until January 1, 1987, at which time the previous fee amounts would apply

This bill would appropriate $110,000 from the Board of Osteopathic Examiners Fund to the Board of Osteopathic Examiners for the support of the board's activities from January 1, 1982, to June 30, 1982

Under existing law, fees of the Board of Osteopathic Examiners are deposited in the Board of Osteopathic Examiners Contingent Fund which fund is continuously appropriated to the board.

The increased fee provided by this bill would result in an increase in the amount of funds deposited in such continuously appropriated fund

This bill would take effect immediately as an urgency statute

Ch. 56 (AB 1421) Leonard Material witness

Under existing law, on holding the defendant to answer or on a plea of guilty where permitted by law, the magistrate may take from each of the material witnesses examined a written undertaking, to the effect that the witness will appear and testify at the court to which the depositions and statements or case are to be sent, or that the witness will forfeit the sum of $500 Upon refusal of the witness to comply, the witness may be imprisoned

This bill would provide for commitment to custody of a person upon the failure to appear at the preliminary hearing, after an evidentiary hearing to determine that the person is a material witness

The bill would also provide that under specified circumstances the court may order a witness to enter into a written undertaking to the effect that he or she will appear and testify at the time and place ordered by the court or that he or she will forfeit an amount that the court deems proper.

Ch 57 (AB 1021) Rogers Candidate's statement

Existing law allows candidates for local office and incumbents involved in a local recall election to prepare candidate's statements The statements are included in the voters' pamphlet

This bill would provide that any candidate who prepares a candidate's statement and knowingly makes a false statement therein of a material fact with the intent to mislead the voters is punishable by a fine not to exceed $1,000

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 58 (SB 549) Johnson Environmental quality

(1) Under the California Environmental Quality Act, environmental impact reports are generally required to be prepared for projects which may have a significant effect on the environment

This bill would exempt from the act any grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation

(2) Under the act, described regulatory programs of state agencies, boards, and commissions which have protection of the environment among their principal purposes and which require a plan or other written documentation to be submitted in support of specified activities are exempt from environmental impact report requirements upon certification by the Secretary of the Resources Agency that the programs meet specified criteria County agricultural commissioners are declared to be state agencies for purposes of those provisions As of January 1, 1982, any air quality management district is also declared to be a state agency for purposes of those provisions, except that activities undertaken by it with respect to specified provisions relating to nonattainment area plans are not subject to those provisions

This bill would also declare any air pollution control district to be a state agency for purposes of those provisions It would delete the exception for an air quality management district for activities undertaken by it with respect to specified provisions relating to nonattainment area plans The bill would provide that the approval, if any, by a district of a nonattainment plan would be subject to these state agency requirements only if, and to the extent that, the approval adopts or amends rules or regulations

(3) The bill would take effect immediately as an urgency statute

Ch 59 (AB 1426) Leonard Appropriations for deficiencies

Under existing law, various duties and responsibilities are imposed upon the Depart-

ment of Finance with respect to the fiscal affairs of the state. Existing provisions of law also prescribed the contents of the Governor's Budget and the budget which is submitted by the Governor at each Regular Session of the Legislature

This bill would provide that no bill which contains an appropriation for a deficiency may be heard by a fiscal committee unless and until specified information is supplied to each member of the committee

The bill would provide that generally not more than 2 bills which would make appropriations for deficiencies, excluding the Budget Bill, may be passed each year by the fiscal committees of each house, but would permit an additional bill to be introduced and enacted in specified circumstances The bill would require the department to include information regarding appropriations for deficiencies in a single schedule in its annual Summary of Revised Revenues and Authorized Expenditures. The bill would set forth legislative findings and declarations, and state that it is the intent of the Legislature that 1 bill introduced in the other house, which would make appropriations for deficiencies, excluding the Budget Bill, shall be heard and acted upon by the fiscal committee of the other house not later than February and May, respectively, of each year

The provisions of the bill would be repealed as of January 1, 1984.

Ch 60 (AB 1395) La Follette. State park system· Santa Monica Mountains North Benedict Canyon

Existing law appropriates $14,750,000 from the State, Urban, and Coastal Park Fund to the Department of Parks and Recreation for the acquisition of the Cross Mountain Park, the Huntington-Hartford Estate, North Benedict Canyon, Caballero Canyon, and the Cahuenga Peak area adjacent to Griffith Park, and other specified lands

Existing law also authorizes the department, upon reimbursement of the state's acquisition costs, to transfer any of the acquisition to the United States or to the Santa Monica Mountains Conservancy for subsequent transfer to any local agency or nonprofit organization at no cost to the local agency or nonprofit organization, subject to proviso

This bill would eliminate North Benedict Canyon from those provisions upon the irrevocable offer to dedicate specified property in the North Benedict Canyon area of the Santa Monica Mountains, commonly known as the Western Ridge, to a public agency for park or open-space purposes and the acceptance of that property by a public agency, as specified

The bill would take effect immediately as an urgency statute, but would become operative only if the irrevocable offer to dedicate the property is made and recorded as specified.

Ch. 61 (AB 1013) McCarthy Administrative regulations.

Existing law requires every regulation adopted by a state agency to be within the scope of authority conferred upon the agency and in accordance with the standards prescribed by the Office of Administrative Law in order to be valid

This bill would prohibit a state agency from issuing, utilizing, enforcing, or attempting to enforce any guidelines or other policies unless the guidelines or other policies have been adopted pursuant to the related statutes and filed with the Secretary of State If the agency attempts to issue or enforce guidelines or policies not so adopted and filed, this bill would allow the Office of Administrative Law to issue a determination as to whether the guideline or policy is a regulation It would further provide that the determination shall be made known to the agency involved, the Legislature, the Governor, the public, and the courts, as specified. A court or an administrative agency in an adjudicatory proceeding would be prohibited, under specified conditions, from considering a determination issued by the office pursuant to these provisions

Ch. 62 (AB 1258) Rosenthal Board of Osteopathic Examiners

Existing law provides that the Board of Osteopathic Examiners consists of 5 members who are to be licensed osteopaths

This bill would increase the membership of that board to 7 by adding 2 public members.

The bill would provide that the act is to be operative only if Assembly Bill 2045 is chaptered and becomes effective on or before the date that this act becomes effective

Ch 63 (AB 637) Rosenthal Dietitians

No provision of existing law prescribes qualifications for any person representing himself or herself as a dietitian or registered dietitian, restricts the use of the title "dietitian" or "registered dietitian," or prescribes what activities may be undertaken by a registered dietitian

This bill would require persons representing themselves as dietitians or registered dietitians to possess prescribed qualifications and would make it a misdemeanor for a person to use such titles without meeting the prescribed qualifications The bill would provide that any person employed by a licensed health care facility as a registered dietitian on the effective date of the act may continue to represent himself or herself as a registered dietitian while employed by that licensed health care facility if he or she satisfies specified requirements which do not include an examination The bill would also prescribe what activities may be undertaken by a qualified registered dietitian upon proper referral and would make it a misdemeanor to practice in a manner inconsistent with such prescription. A proper referral would be a referral by a health care provider, as defined, authorized to prescribe dietary treatments, accompanied by a written prescription, as specified The requirement of a written prescription would be deemed to be satisfied by an entry in the patient records of a patient who is undergoing treatment at a licensed health care facility if the contents of the patient records reflect certain information, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 64 (AB 1572) Marguth Local agencies officers benefits

Existing law authorizes local agencies to provide for the continuation of health and welfare benefits for former members of the legislative body of the local agency who serve after January 1, 1981, and whose total period of service exceeds 12 years

This bill would revise the period of service needed to qualify for extended health and welfare benefits to 12 years, rather than a period exceeding 12 years

Ch 65 (SB 336) Ayala Schools student body funds

Existing law provides that a school district governing board may appoint an employee or official to act as a trustee for student body funds in schools or classes for adults, regional occupational centers or programs, or elementary schools in which the student body is not organized

This bill would additionally authorize the governing board of a school district to appoint such a trustee for continuation and special education schools

Ch 66 (SB 1273) Mello Organic foods malathion bait spraying

Under existing law, no food product may be labeled or advertised as "organic," 'organically grown," "naturally grown," "wild," "ecologically grown," or "biologically grown" if that food product has any pesticide residue in excess of 10% of the level regarded as safe by the federal Food and Drug Administration

This bill would permit those agricultural products which have been subjected to the aerial application of malathion bait spraying pursuant to this state's Mediterranean Fruit Fly Eradication Program to be labeled and advertised as the above described if those products otherwise meet those requirements

The bill would also permit those processed foods manufactured from agricultural products which have been subjected to the spraying to be so labeled and advertised, as prescribed

The bill would take effect immediately as an urgency statute

Ch 67 (AB 971) Bergeson Coastal conservancy

(1) Existing law provides for the State Coastal Conservancy, with prescribed membership and powers and responsibilities for implementing a program of agricultural land protections, area restoration, and resource enhancement within the coastal zone, as defined

This bill would permit the conservancy, under specified circumstances, to authorize

any local public agency or nonprofit organization, rather than the public agency which exercises land use regulation over the area, to carry out a coastal restoration project or coastal resource enhancement project and would make related changes

The bill would also authorize the conservancy to award grants to local public agencies and nonprofit organizations for the acquisition of interests in lands in the coastal zone to prevent loss of agricultural land to other uses

The bill would require any funds collected from a nonprofit organization pursuant to an agreement regarding a grant to be deposited in the Nonprofit Organization Land Trust Account, which would be created by this bill, in the State Coastal Conservancy Fund

(2) Under existing law, for fiscal years 1972–73 through 1981–82, the so-called welfare exemption from property taxation includes property used exclusively for the preservation of native plants or animals, or biotic communities, or geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, and which property is open to the general public subject to reasonable restrictions concerning the needs of the land and is owned and operated by a scientific or charitable fund, foundation or corporation, the primary interest of which is to preserve such natural areas

(3) This bill would make that exemption operative for the 1982–83 fiscal year

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill.

(4) The bill would take effect immediately as an urgency statute

Ch. 68 (AB 198) Thurman State highways: information signs outdoor advertising

(1) Existing law required the Department of Transportation to adopt rules and regulations to allow the placement until January 1, 1981, near exits on those portions of State Highway Route 5 located in rural areas, of information signs advertising specific roadside businesses offering gas, food, lodging, or camping services and on standards for those signs. The department is required to establish and charge a fee to place and maintain information signs in an amount not less than 25% above its estimated cost in placing and maintaining the information signs, with the funds in excess of that cost to be available for safety roadside rest purposes upon appropriation by the Legislature

This bill would delete the January 1, 1981, termination date for the authorization of the placement of the above highway information signs near exits of Route 5 located in rural areas and for the charging of the fee. The information signs would be for identifying, not advertising, specific roadside businesses and could be in lieu of other highway signs of the department, but not in lieu of on-premises highway oriented business signs and directional signs

(2) Existing provisions of the Outdoor Advertising Act exempt advertising displays used exclusively for specified purposes related to the property on which the sign is located from all provisions of the act except those relating to licenses and regulations

This bill would revise the exemption for an advertising display used to advertise a business upon the property with respect to the placement of the display

(3) The bill would take effect immediately as an urgency statute

Ch 69 (AB 235) Deddeh Property taxes reassessment

Under existing law, the county board of supervisors may, by ordinance, provide for the reassessment of certain real property which is damaged or destroyed in a prescribed manner Upon adoption of the ordinance, property owners may by application seek a reassessment However, if no application is made, but the assessor determines that within the preceding 6 months a property has suffered damage which may qualify it for reassessment under such an ordinance, the assessor is required to provide the last known owner of the property with an application for reassessment The application must be filed by the property owner within a prescribed period in order to qualify for the reassessment

This bill would, for the 1981–82 fiscal year and thereafter, authorize the assessor, with

the approval of the board of supervisors, to reassess the property and notify the last known owner of the reassessment where no appplication is made, and the assessor determines that within the preceding 6 months a property has suffered damage which may qualify it for reassessment under the county ordinance.

The bill would take effect immediately as an urgency statute

Ch 70 (AB 411) Nolan Environmental quality

Under the California Environmental Quality Act, with certain exemptions, environmental impact reports or negative declarations are required to be prepared for projects which may have a significant effect on the environment. One exemption is provided for specified actions taken prior to January 1, 1982, by a public agency to implement the transition from the property tax system in effect prior to June 1, 1978, to the system provided for by Article XIII A of the California Constitution.

This bill would provide an additional exemption for specified actions taken by a public agency to respond to a reduction in federal funds, and would extend the date by which those actions are required to be taken prior to January 1, 1987.

The bill would take effect immediately as an urgency statute.

Ch. 71 (AB 597) Sher. Regional park, regional park and open-space, and regional open-space districts.

(1) Existing law governing regional park districts, regional park and open-space districts, and regional open-space districts contains provisions with respect to the election of members of the board of directors of a district and various dates by which various acts relating to an election are required to be complied with.

This bill would revise those notice requirements and deadlines to conform with the Elections Code

(2) Under existing law, a district may convey real property if the Legislature authorizes the transfer by concurrent resolution after a resolution of intention specifically describing the property has been adopted by ⅔ of the board of directors of the district

This bill would, in addition, authorize the district, by a ⅘ vote of the board, to convey real property dedicated and used for park or open-space purposes to another public agency if that agency agrees in a recorded agreement to continue to use the property for those purposes and not to convey the property without the consent of a majority of the voters of the district

(3) Under existing law, lands subject to the grant of an open-space easement to a county, city, or nonprofit organization under specified provisions of law are valued for property taxation purposes on a basis consistent with its restrictions and uses

This bill would provide that lands subject to the grant of an open-space easement to a regional park, regional park and open-space, or regional open-space district shall be deemed enforceably restricted and shall be assessed for property taxation according to the restrictions and uses, as specified.

(4) Existing law also continuously appropriates funds to the Controller from the General Fund to reimburse local agencies for the reduction of property tax revenues by reason of assessment of the lands subject to an open-space easement.

This bill, by increasing the lands available for the reduced assessment, would make an appropriation.

(5) The bill would take effect immediately as an urgency statute.

Ch. 72 (AB 787) Imbrecht Public employees generally.

(1) The Public Employees' Medical and Hospital Care Act generally provides that contracts with health benefit carriers are subject to specified provisions of the Knox-Keene Health Care Service Act relative to dissemination of information.

This bill would provide that information disseminated by the Board of Administration of the Public Employees' Retirement System pursuant to specified provisions shall satisfy that requirement

~~(2) The Public Employees' Medical and Hospital Care Act provides that provisions relative to health benefit contributions of local public agencies are subject to memorandum of understanding between the state and state employees.~~*

[(2) The law governing local public agency employer-employee relations requires the public agency and the recognized employee organization, if they reach agreement

on the terms and conditions of employment, to prepare a written memorandum of such understanding]*

This bill would provide that the provisions ~~are not so subject~~ [of the Public Employees' Medical and Hospital Care Act shall control over any memorandum of understanding reached pursant to the local public agency employer-employee relations law]*

(3) The Public Employees' Retirement Law presently permits a member whose account reflects an underpayment due to error or omission to apply for relief from such payment within a specified time

This bill would delete the requirement to apply within a specified time

(4) The Public Employees' Retirement Law presently requires members making installment payments to pay a lump sum prior to retirement

This bill would permit those members to continue to pay installments after retirement

(5) The Public Employees' Retirement Law presently permits members to purchase service credit under specified circumstances for "public service" as defined.

This bill would include employment by a contracting agency before the effective date of its contract within the definition of "public service "

(6) The State Teachers' Retirement Law and the County Employees Retirement Law of 1937 prescribe permissible investments of the retirement funds

This bill would permit the Teachers' Retirement Board and county retirement boards to enter into specified security loan agreements with private broker-dealers and banks.

(7) The bill would take effect immediately as an urgency statute.

Ch 73 (AB 1053) McAlister Juvenile court law

Existing law provides that a hearing officer may order a minor who admits the commission of, or who is found to have committed, a traffic offense to, among other things, pay to the county general fund a sum up to $50 and a penalty assessment to the Assess ment Fund, as specified

This bill would provide that the minor may be ordered to pay for each offense a sum as specified under existing law for various Vehicle Code violations, but not to exceed $250, and not to exceed the maximum fine that could be imposed on an adult for the same offense.

Existing law provides that a hearing officer, upon finding that a minor committed a violation of fish and game laws, may order the minor, among other things, to pay to the county general fund a sum up to $25

This bill would provide that the minor may be ordered to pay a sum of $50, but in no case an amount in excess of the fine which would be imposed upon an adult for the same violation

Under existing law, the judge, referee, or traffic hearing officer hearing a juvenile traffic case may take any of several actions with respect to a minor who is found to have committed the act charged, including directing the probation officer to file a petition to have the minor declared a dependent child of the court.

This bill would also specify that the court may direct the probation officer to file a petition to have the minor declared a ward of the court on the basis of noncriminal conduct

Ch 74 (AB 1291) Nolan Pharmacy.

Existing law prohibits any person other than a registered pharmacist from selling a drug However, the law exempts from such prohibition, among other things, any chemicals or drugs packaged and sold under a registered trademark, trade name, or other trade symbol, as specified, and also exempts the sale of other various enumerated products by grocers

This bill would delete existing provisions and would revise such exceptions by, among other things, providing that the Pharmacy Act shall not apply to the retail sale of drugs which are not defined as dangerous drugs, which are properly packaged and labeled, and which are not otherwise restricted by regulations of the State Board of Pharmacy which regulations are required to be consistent with regulations of the State Department of Health Services relating to prescription and nonprescription drugs, as specified

The bill would make other conforming changes.

Existing law provides that the furnishing of drugs by a wholesaler is to be under the

supervision of a registered pharmacist
This bill would delete that provision

Ch. 75 (AB 1374) Hughes Community colleges refugees
Existing law defines resident and nonresident students for the purposes of tuition charged by community college districts
This bill would prohibit the governing board of a community college district from requiring a refugee enrolled in a specified class to pay nonresident tuition, if the refugee is enrolled for 6 units or less and has resided in California for at least a year and a day.
This bill would require the Chancellor of the California Community Colleges to define "refugee" in accordance with federal law.
This bill would take effect immediately as an urgency statute

Ch. 76 (AB 1641) La Follette. Access to school premises
Existing law relating to the disruptive presence of persons on school grounds does not make general provisions for prohibiting access to school grounds of persons other than students and employees except those registered with the principal of the school
This bill would enact provisions which, at the option of a school board, would apply to the grounds of a public school in the district to prohibit an outsider, as defined, from entering school grounds during school hours except if the outsider is registered with the principal of the school or his or her designee, as specified
The bill requires posting of specified signs at entrances of schools subject to the prohibitary provisions of the bill, and provides that violation of these provisions is an infraction, except that violation after a previous conviction is a misdemeanor, as specified
Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement
This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs. It would also provide that no appropriation is made and no reimbursement is required for a specified reason
This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required
The bill would take effect immediately as an urgency statute, and would become operative August 1, 1982, except that the vote of a school district governing board would result in an earlier operative date, as specified

Ch. 77 (AB 1648) Chacon. Public Employees' Retirement System. generally.
(1) Existing Public Employees' Retirement Law presently requires all state and local retirement systems to file an annual financial report with the Controller.
This bill would permit the Public Employees' Retirement System to temporarily file internally prepared financial statements
(2) The law presently requires an affirmative vote of at least 5 members of the board to adopt a test of acceptable securities for investment.
This bill would increase the vote requirement to 6 members, provide instead for the adoption of an investment resolution, and require monthly purchase and sales reports to be made to the board
(3) The law presently authorizes local agencies to contract with the board for retirement coverage for their employees
This bill would provide that the system shall have a lien on all of the assets of a terminating contracting agency for a specified amount
(4) The law presently provides for the award of specified attorney's fees against any public entity where it is shown that the entity was arbitrary or capricious
This bill would provide that the mere refusal of the system to admit liability pursuant to a provision of the retirement law shall not itself be considered arbitrary or capricious.

(5) This bill would take effect immediately as an urgency statute

Ch. 78 (SB 1368) Johnson Courts

Existing law provides for the establishment of a municipal court with 3 judges in Placer County to be operative on the expiration of the terms of office of the justice court judges holding office on January 1, ~~1983~~ [1982]*

This bill would provide that the municipal court judges shall be elected at the June 1982 Primary Election and that the candidates shall not be limited to the judges of the previous judicial districts

The bill would provide a statement of legislative intent

The bill would provide that the act is to take immediate effect as an urgency statute

Ch. 79 (AB 2078) Nolan Peace officers

Existing law provides that on or after January 1, 1981, every person deputized or appointed as a reserve, auxiliary, or deputy peace officer of a specified category shall have peace officer powers only in specified circumstances One of these circumstances is when the person is assigned to the prevention and detection of crime and the general enforcement of the laws whether or not working alone and the person has completed the basic training for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training in existence at the time the person is deputized or appointed

This bill would instead provide that such a person when assigned to specific police functions shall have the powers of a peace officer if he or she has completed the basic training prescribed by the commission When assigned to prevention and detection of crime and general law enforcement in order to have the powers of a peace officer, the person must have completed the basic training for deputy sheriffs and police officers prescribed by the commission

This bill would take effect immediately as an urgency statute

Ch. 80 (AB 629) Kapiloff Crimes theft

Existing law provides varying penalties based upon specified monetary limits with respect to certain crimes involving writing or delivering worthless checks and theft of certain items of personal property or realty

This bill would change those monetary limits, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 81 (AB 2242) N. Waters. San Juan Suburban Water District: Bella Vista Water District hydroelectric power generation

Under existing law, districts organized pursuant to the Community Services District Law and the California Water District Law are not generally authorized to provide for the generation of hydroelectric power. However, the Berrenda Mesa, Cawelo, El Toro, Irvine Ranch, Lost Hills, Moulton-Niguel, Olcese, Rancho California, Santa Margarita, South Sutter, and Walnut Valley Water Districts are authorized by special provisions to construct, maintain, and operate plants for the generation of hydroelectric power in a manner consistent with the district's storage, transmission, and distribution of water, to issue revenue bonds or to use any other method of district financing to finance construction of those plants, and to lease or sell the power to a public utility or a public agency engaged in the distribution, use, or sale of electricity

This bill would include the Bella Vista Water District within those special provisions and make legislative findings and declarations in that connection

The bill would also authorize the San Juan Suburban Water District, a community services district, to construct, install, own, maintain, or operate hydroelectric power generating facilities, and transmission lines for the conveyance thereof, by adoption of that power by a resolution of the board of directors entered in the minutes. The bill

would require the facilities to be operated in a manner consistent with the district's storage, transmission, and distribution of domestic and irrigation water, and would provide for related matters. The bill would make legislative findings and declarations in that connection

The bill would take effect immediately as an urgency statute.

Ch. 82 (AB 1698) Nolan False financial statements

Existing law provides that any person who knowingly makes, benefits from, or reaffirms a false written statement respecting his or her financial condition or that of another person, firm, or corporation in which he or she is interested in order to obtain some benefit thereby, as specified, is guilty of a misdemeanor and is punishable by a fine not exceeding $500, or by imprisonment in the county jail for not more than 6 months, or by both the fine and imprisonment

This bill would increase the penalty where the person uses a fictitious name, social security number, business name, or business address, or falsely represents himself or herself to be another person or another business, to a felony punishable by a fine not exceeding $5,000 or by imprisonment in the state prison, or both, or by a fine not exceeding $2,500 or by imprisonment in the county jail for not more than 1 year, or by both the fine and imprisonment

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 83 (AB 277) Goggin Crimes.

Existing law provides for the disclosure and inspection of public records and exempts specified records from disclosure With respect to investigatory and security files, local law enforcement agencies and the California Highway Patrol are required to disclose specified information to the victims of an incident or authorized representative, or insurance carriers under specified circumstances

This bill would instead require the same disclosure by state and local law enforcement agencies and would further require state and local law enforcement agencies to make specified information concerning crimes, arrests, and victims available to the public except to the extent that the disclosure would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation

Existing law provides with respect to a preliminary examination in a criminal case that the magistrate shall, at the request of the defendant, exclude all but specified persons and may permit the attendance of one person for the moral support of the prosecuting witness

This bill would instead require the preliminary examination to be open and public and would permit the magistrate to exclude all but the specified persons at the request of the defendant if the magistrate makes a finding that the exclusion of the public is necessary to protect the defendant's right to a fair and impartial trial. The bill would specify that the person attending for the moral support of the prosecuting witness could not be excluded.

This bill would further permit the magistrate to close the examination to all but such persons upon motion of the prosecutor during the testimony of a witness who is a minor and is the complaining witness of a sex offense when public testimony threatens psychological harm to the witness and no alternative procedures are available or when the witness's life is at risk and no alternative security measures are adequate. When public access is so restricted, a transcript would be made available to the public as soon as practicable.

Under existing law, while a witness is under examination, the magistrate may exclude unexamined potential witnesses.

This bill would require their exclusion upon motion of either party.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Specified provisions of the bill would become operative March 1, 1982

The bill would take effect immediately as an urgency statute

Ch 84 (AB 1831) Lewis Development projects.

(1) Existing law requires state agencies to compile listings specifying in detail the information which will be required from any applicant for a development project, as defined

This bill would also require local agencies to compile those listings, on or before June 30, 1983 The bill would amend other provisions of law to conform to this change.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 85 (AB 1802) Rogers Long-term care resources degenerative diseases

Existing law requires the State Department of Health Services to establish rules, regulations, and standards for hereditary disorders programs and specifically requires the department to establish research and interdisciplinary workshop grants for study in the treatment and care of patients afflicted with Huntington's disease

This bill would additionally require the State Department of Health Services and the State Department of Social Services, after consultation with the Genetically Handicapped Persons Program of the State Department of Health Services, the Genetically Handicapped Persons Program Advisory Committee, and consumer organizations representing persons with chronic and degenerative conditions, as defined, to compile a list of long-term care resources that serve adults with those conditions, as specified The bill would also require those departments to review regulations that currently provide disincentives to providers of in-home and out-of-home long-term care resources to accept and serve persons with chronic and degenerative disorders The bill would require the State Department of Health Services and the State Department of Social Services to provide a list of those regulations to the Legislature 6 months after the effective date of the bill, as specified This bill would prohibit these actions from imposing additional state obligations or expenditures without specific funding therefor

The bill would also make various findings and declarations

The bill would take effect immediately as an urgency statute

Ch 86 (AB 2165) Costa Governmental regulations

Existing law requires the Office of Administrative Law to publish periodic supplements of notices of proposed action, entitled the "California Administrative Code Supplement" and the "California Administrative Notice Register " This bill would make a technical change in the reference to those titles under existing provisions

Existing law authorizes the office to prescribe regulations specifying procedures for its review of administrative regulations This bill would make a technical amendment deleting a duplicate provision

Existing law requires a department adopting an emergency regulation or order of repeal to file a statement on the finding of the emergency, and the regulation or the order, with the Rules Committees of both houses of the Legislature This bill would

delete that provision and would instead require the statement or order to be published in the next California Administrative Notice Register issue and would require it to be delivered to each Member of the Legislature and each standing committee

Existing law prescribes the procedure to be followed for public input on the adoption, amendment, or repeal of an administrative regulation if a public hearing is not scheduled. This bill would provide that if a public hearing is held, written or oral arguments, or both, shall be permitted. It would also prohibit a state agency from adding material to the record of the rulemaking proceeding after close of the public comment period, unless provision is made for further public comment.

Existing law requires the office to approve an agency regulation if it complies with the standards specified by law. This bill would add the requirement that the regulation also comply with the provisions of law relating to the adoption, amendment, or repeal of regulations

Existing law authorizes the Governor to overrule the disapproval by the office of a proposed regulation or of the readoption of an emergency regulation This bill would also authorize the Governor to disapprove an order of the office repealing an emergency regulation, as specified.

Existing law requires each state agency to review, according to a specified time schedule, the regulations administered by it for compliance with specified standards including, among other things, their necessity, authority, clarity, and consistency.

Existing law requires the Office of Administrative Law, among other things, to file annually with the Governor and the Legislature a master plan for regulation review, and to report on the progress of each agency in its review process, in which report the office may recommend the repeal or amendment of statutes affecting regulatory agencies

This bill would, in addition, authorize the office to make periodic recommendations directly to the Legislature for the repeal or amendment of statutes affecting regulatory agencies

Existing law requires an agency to complete amendment or repeal of a regulation within 6 months of the submission of the Statement of Review Completion when the statement provides for the action This bill would provide that the action shall be completed within the specified time, unless the period is extended by the office upon a showing of good cause

Existing law authorizes the office to require an agency to show cause why a regulation should not be repealed which the office determines does not comply with standards specified by law

This bill would include, as grounds for requiring an order to show cause, the failure of an agency to comply with provision of law relating to the adoption, repeal, or amendment of regulations.

Existing law authorizes the Governor to overrule a decision of the office ordering the repeal of a regulation

This bill would require the Governor to transmit to the Rules Committees of both houses of the Legislature a statement of reasons for overruling the decision of the office.

This bill would also require the office, at the request of any standing, select, or joint legislative committee to initiate and to complete within 60 days a priority review of any regulation believed by the committee to not meet the standards specified by law, without regard to the master plan for regulation review or the time specified by law. A regulation found not to meet the standards specified by law would be subject to repeal under the procedures provided by law

Existing law requires the Office of Administrative Law to note, on the face of the written regulation, whether the regulation may require state reimbursement to local agencies This bill would delete this requirement

Existing law provides that any interested person may obtain declaratory relief as to the validity of a regulation, which right shall not be affected by a failure to seek reconsideration of a petition filed with the agency to adopt, amend, or repeal a regulation. This bill would further provide that the right shall not be affected by a failure to initially petition the agency

This act would take effect immediately as an urgency statute

Ch 87 (AB 1759) Chacon Real property subdivisions

(1) Provisions of existing law intended to expedite governmental processing of and decisions on development projects, as defined, are specifically made inapplicable to the approval or disapproval by local legislative bodies of final subdivision maps under the Subdivision Map Act, but require, however, that the approval or disapproval of a final subdivision map occur within one year from the date on which the final map is filed for approval.

This bill would delete the above-described provisions

This bill would require in the case of a development project consisting of a subdivision, that the time limits prescribed for approval or disapproval of development projects apply to the approval or disapproval of the tentative subdivision map or parcel maps

(2) Existing law requires that when geologic and soils reports have been prepared for a subdivision, that a notation of that fact be made on the final subdivision map

This bill would delete that requirement

(3) The Subdivision Map Act presently requires, in specified instances, that certain described certifications and acknowledgments be executed prior to the filing of a final subdivision map or parcel map

This bill would, in addition, authorize local agencies to require that those certifications and acknowledgments be made by separate instrument and be recorded concurrently with the final map being filed for record, and would require that the final map contain a reference, made by the county recorder, to the certification or acknowledgment.

(4) Existing law prescribes time limits within which a local advisory agency or legislative body must take action on a tentative subdivision map submitted for approval

This bill would revise the prescribed time periods for action on a tentative map by a local advisory agency or legislative body and would specifically prescribe time limits for a local advisory agency or legislative body to act upon tentative maps for which an environmental impact report has been prepared

(5) Existing law permits, under specified conditions, the filing of multiple final maps relating to an approved tentative map

This bill would, in addition to existing conditions permitting the filing of multiple final maps, allow multiple final maps to be filed if the subdivider and the local agency concur therein

(6) Existing law prohibits, without the filing of a final subdivision map or parcel map the sale or lease, an offer to sell or lease, a contract to sell or lease, the financing of, or the constructing of any building on, a parcel of property for which an approved final map or parcel map is required

This bill would delete the prohibition against offers or contracts to sell or lease, and would specifically declare that an offer or contract to sell, lease, or finance real property or construct improvements thereon, is not prohibited where the transaction or commencement of construction is expressly conditioned upon the approval and filing of a final subdivision map or parcel map, and would state the legislative intent with respect to this amendment

(7) Existing law specifies the conditions under which security given by a subdivider to secure payment to the contractor, subcontractors, and persons furnishing labor, materials, or equipment, may be released

This bill would revise the specified condition upon which such security may be released

(8) Existing law prohibits local agencies from issuing permits or granting approval for the development of property which had been illegally subdivided if development of the property would be contrary to the public health and safety The law presently provides, with certain exceptions, that if the local agency issues permits or approval for development of the property it may impose conditions that would have been applicable at the time the applicant acquired the property

This bill would, additionally, allow the local agency to impose currently applicable conditions if the applicant was the owner at the time of the illegal subdivision and currently owns one or more of the illegally created parcels. The bill grants similar authority to local agencies to condition the issuance of a certificate of compliance

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(10) Notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of this act shall remain in effect unless and until they are amended or repealed by a later enacted act.

(11) This bill would become effective immediately as an urgency statute

Ch 88 (AB 671) Herger Schools Field Act

Current law prohibits, with certain exceptions the use, after June 30, 1975, of school buildings which do not conform to the structural standards of the so-called Field Act

This bill would permit the Black Butte Elementary School District, the Sierra-Plumas Unified School District, and the Allan Hancock Joint Community College District to continue to use specified buildings until June 30, 1983, or until the final completion of replacement facilities, whichever occurs first

This bill would specify that the liability of these public agencies and the members of their governing bodies for a dangerous condition of the described facilities shall be determined by specified statutory provisions

This bill would take effect immediately as an urgency statute

Ch 89 (AB 1543) Tanner. Hazardous waste

(1) Existing law does not provide for a Hazardous Waste Management Council.

This bill would create a Hazardous Waste Management Council consisting of specified members The council would have the responsibility of preparing a Hazardous Waste Management Plan prior to January 1, 1983, containing, among other things, a statewide hazardous waste facilities siting and permit process and recommendations relating to legislative, administrative, and economic mechanisms necessary to assist in the siting of new hazardous waste facilities The State Department of Health Services would be required to make specified information available to the council The council would be required to hold public hearings on the draft and submit a final plan to the Governor and the Legislature prior to July 1, 1983

(2) Existing provisions of the federal Resource Conservation and Recovery Act of 1976 permit any state to administer and enforce a state hazardous waste program in lieu of the federal program The state must develop and submit an application to the Administrator of the Environmental Protection Agency and is authorized to conduct the state program unless the administrator finds that the state program is not equivalent to the federal program, not consistent with the federal or state programs applicable in other states, or that it does not provide adequate enforcement of compliance with the requirements of the federal hazardous waste management program Existing provisions of the federal act also permit a state to seek, under specified circumstances, an interim authorization from the administrator to conduct such a program

Existing law contains legislative findings and declarations relating to the handling, storage, use, processing, and disposal of hazardous waste

This bill would revise those findings and declarations and in so doing, would, among other things, make a legislative declaration that it is in the best interest of the state to obtain and maintain federal authorization to administer a state hazardous waste program and would generally grant authority to the State Director of Health Services to secure and maintain interim and final authorization for the state hazardous waste program from the administrator The bill would authorize the department to make available to the Environmental Protection Agency all information required by law, including trade secrets, in order to obtain and maintain interim and final authorization to administer the state hazardous waste program The bill would, however, require the department to adopt and revise when necessary regulations which would allow the state to receive and maintain authorization to administer a state hazardous waste program in lieu of the federal program, as specified

(3) The existing hazardous waste control law specifies that those provisions shall not be construed to limit or abridge the power and duties granted to the State Water Resources Control Board or regional water quality control boards This bill would, in

addition, specify that the provisions contained in the hazardous waste control law shall not be deemed to supersede the powers and duties granted to those boards

Existing law requires the department to adopt minimum standards and regulations relating to hazardous waste

This bill would delete the word "minimum" from those provisions of law and would require the department to adopt any standard or regulation required to be adopted by the hazardous waste control law, and revise any standard or regulation required to be revised by this act, on or before January 1, 1983

(4) Existing law imposes a civil penalty, in an amount not to exceed $5,000, against any person who intentionally or negligently violates any provision of the hazardous waste control law, except that a civil penalty, in an amount not to exceed $25,000, is imposed against any person who intentionally or negligently disposes of hazardous waste at an unauthorized point

This bill would increase the civil penalty for violating any provision of the hazardous waste control law to an amount not to exceed $25,000, except for certain prescribed violations in which the amount of the penalty shall not exceed $50,000

(5) Existing law also imposes criminal fines and imprisonment for certain acts done knowingly by any person

This bill would include within such provision the knowing destruction, alteration, or concealment of any record required to be maintained pursuant to the hazardous waste control law relating to the generation, storage, treatment, transportation, disposal, or handling of hazardous wastes

The bill would specify that the provisions described in this paragraph and paragraph (4) shall not become operative if AB 70 is chaptered

(6) Existing law requires each operator of any site at which hazardous wastes are disposed to pay a fee to the director pursuant to a schedule of fees established by the director

This bill would require that the fees established by the director be determined according to specified criteria

(7) The bill would also, among other things, require the department to prepare and submit to the Legislature a report every 2 years to include, among other things, information regarding the status of various programs, enforcement actions, and research activity, and to prepare and issue to the public a report every 2 years containing technological information relating to the treatment, storage, recycling, source reduction, and disposal of hazardous waste

(8) Existing law requires penalties recovered pursuant to specified enforcement provisions to be deposited in the continuously appropriated Hazardous Waste Control Account in the General Fund, which funds may be expended by the department for the purposes of administering specified hazardous waste control statutes This bill would increase the amount of certain penalties that may be imposed and, therefore, the bill would make an appropriation

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(10) The bill would take effect immediately as an urgency statute

Ch. 90 (SB 95) Presley Water quality. hazardous waste facilities

(1) Existing law requires the owner or operator of a liquid waste disposal site, or hazardous waste disposal site, as defined, to submit a report to a regional water quality control board containing, among other things, information regarding alternative methods of site closure and subsequent maintenance thereof, authorizes the regional board to issue waste discharge requirements or other orders, as specified, requires the State Water Resources Control Board to formulate, adopt, and revise general procedures for use by the regional boards in making determinations, and creates the Site Closure and Maintenance Revolving Account in the State Water Quality Control Fund and provides for the payment into that account of annual charges levied, as prescribed, on owners and

operators of liquid waste disposal sites and hazardous waste disposal sites.

This bill would repeal these provisions and, instead, would require the State Department of Health Services to adopt rules and regulations with respect to hazardous waste facilities, each operator of a hazardous waste facility to submit a hazardous waste facility closure and maintenance report, containing specified elements, to the department for its approval, and each regional board to review the report to ensure protection of water quality

(2) Existing law requires each operator of any site at which hazardous wastes are disposed to pay a fee to the State Director of Health Services for disposal of such wastes and requires that such fees be deposited in the Hazardous Waste Control Account in the General Fund, which funds are continuously appropriated to the department for expenditure to carry out the provisions of the hazardous waste control law

This bill would require the fee to be calculated to produce sufficient revenues in an amount necessary to cover all costs incurred by the regional boards in carrying out the function of reviewing hazardous waste facility closure and maintenance reports, and would require the department to reimburse the State Water Resources Control Board for these expenses

(3) Existing law does not require the State Department of Health Services to deny the issuance of a hazardous waste facility permit if the operator of such facility does not maintain the financial capability to respond to damage claims arising out of the operation of the facility.

This bill would require the department to deny the issuance of such permit under those circumstances

(4) Under existing law, specified funds are appropriated from the Hazardous Substance Account to the State Department of Health Services for specified purposes

This bill would permit a portion of these funds, not to exceed $200,000, to be expended for the state's share of the cost to characterize the wastes present at the McColl hazardous waste disposal sites and to evaluate appropriate remedial action.

(5) The bill would abolish the Site Closure and Maintenance Revolving Account and would transfer the unencumbered balance in that account to the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund

(6) The bill would revert from specified funds appropriated in the Budget Act of 1981 for support of the state board the sum of $300,000 to the General Fund

(7) The bill would take effect immediately as an urgency statute

Ch 91 (SB 982) Keene State contracts. late state payments

Existing law does not make provision for the award of a penalty to a small business contracting with a state agency for the late payment of a claim

This bill would provide that a state agency which, without reasonable cause, as defined, fails to make a payment to a small business, as defined, which submits an undisputed claim pursuant to a contract to supply property or services, within 30 days of the required payment date, as defined, shall pay a penalty to the small business of ¼% of the amount due, per day, from the 31st day after the required payment date It would specify, among other things, that the Controller shall pay the penalty out of the agency's budget, and would require the head of the agency to report to the Legislature on the corrective action taken

This bill would make specific provision concerning the submission of claims under the Medi-Cal program and for the imposition of a penalty for late payment thereon

This bill would also require the Director of Health Services to negotiate a modification of the contract for fiscal intermediary services with the Computer Sciences Corporation to establish separate classifications, for claim processing purposes, for specified providers, and to set time limitations, as specified, for the payment of claims by those providers for the purpose of late payment penalty assessment.

Ch 92 (AB 172) Vasconcellos Appropriations payment of claims

This bill would appropriate $949,086.44 from specified funds to the State Board of Control to pay the claims of the Secretary of the State Board of Control

This bill would take effect immediately as an urgency statute

Ch 93 (AB 2075) Robinson Hazardous waste rewards

Existing law requires civil penalties collected for violation of specified provisions of the hazardous waste control law to be deposited in the Hazardous Waste Control Account in the General Fund, a continuously appropriated fund and requires the State Department of Health Services to pay half of any such penalty awarded to either the city or county if the action is brought by either such entity, or the actual costs of prosecuting the case in which the penalty was awarded, whichever is less Existing law requires that fines levied pursuant to other specified provisions of the hazardous waste control law be deposited in the county treasury and distributed in a prescribed manner

This bill would require the payment to any person who provides information leading to the imposition of a civil penalty or leading to the conviction of a person for violating certain provisions of the hazardous waste control law of a specified reward and, in so doing, would proportionately reduce the amount payable to a city or county, as the case may be, under the above provisions The bill would make public officers and employees who report those violations in the normal course of their duties ineligible for the reward and would require the department to adopt regulations to establish procedures for the determination and payment of the reward

Ch 94 (AB 2190) Statham Schools instructional television· educational technology.

Existing law prescribes the components of the instructional television program and further defines those components, as specified Current law also requires the State Board of Education to report annually to the Legislature on instructional television activity and establishes an advisory committee to the board on instructional television.

This bill would repeal those provisions and would, instead, establish the educational technology local assistance program, as specified This bill would require the State Board of Education to establish a committee on educational technology, as provided, and would require the State Department of Education to prepare a sunset review report. This bill would also require the committee to transmit the report and recommendations on educational technology programs to the board This bill would further require the State Board of Education to transmit the committee's report and recommendations to the fiscal committees of the Legislature by March 1, 1984.

This bill would repeal the provisions establishing the educational technology local assistance program on June 30, 1985

Existing law prescribes a method of determining allowances to school districts or county superintendents of schools participating in programs for instructional television

This bill would repeal that provision and would, instead, prescribe a method of determining the proposed level funding for the educational technology local assistance program This bill would further state the legislative intent to provide for the actual funding of the program through the annual Budget Act, commencing with the 1982–83 fiscal year

Existing law requires the Legislature to conduct a comprehensive study of certain education programs and requires the termination of these programs, as presently maintained, on various specified dates, unless the Legislature enacts legislation providing otherwise If the Legislature does not enact this legislation, funding for the general purposes of each program continues after the termination date, but relevant statutes and regulations regarding the use of funds are not operative

Existing law prescribes a termination date of June 30, 1983, for the instructional television program

This bill would delete the reference to the instructional television program from the termination provisions

Ch 95 (AB 1513) Torres Radioactive waste

(1) Under the existing Radiation Control Law, the State Department of Health Services is the designated agency responsible for the issuance of licenses and is charged with performing several functions with regard to protecting the public health and safety.

This bill would make several legislative findings with regard to the safe disposal of low-level radioactive waste, as defined, would require the department to develop an overall plan for the management, treatment, and disposal of low-level radioactive waste including, among other things, specific contingency plans to address the needs of the state for the short-term storage of low-level radioactive waste and the development of a classification scheme for separating low-level waste from other waste to facilitate its

disposal, would permit the department to establish and operate, or contract for the establishment and operation of, low-level radioactive waste interim storage facilities once the department has prepared the above described contingency plans and classification scheme and the Legislature enacts enabling statutory provisions authorizing the department to establish interim storage facilities, and would require the State Director of Health Services to appoint an advisory committee to advise the department regarding such matters.

Existing law authorizes the department to adopt a schedule of fees to be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing those materials.

The bill would authorize the department to levy additional fees, not to exceed a specified amount, upon California generators of low-level radioactive waste to support various activities imposed on the department by the bill

(2) The bill would take effect immediately as an urgency statute

Ch 96 (AB 1514) Torres Radiation

(1) Under the existing Radiation Control Law, the use and control of materials and equipment which emit ionizing radiation is regulated, the violation of which regulation is a misdemeanor

This bill would, in addition, make persons who violate the Radiation Control Law liable for civil penalties not to exceed $5,000 for each day in which the violation occurs or continues

(2) Existing law authorizes the Attorney General to apply for injunction orders, when requested by the State Department of Health Services, relating to violations of the Radiation Control Law

This bill would, in addition, authorize the Attorney General to seek the imposition of the above-described civil penalties and would also authorize city attorneys and district attorneys to seek injunctive relief and the imposition of such civil penalties when requested by the department

The bill would require that such penalties be paid to the city if the action for recovery is brought by the city attorney or to the county if the action for recovery is brought by the district attorney, or to the General Fund if the action for recovery is brought by the Attorney General The bill would also provide that if no penalty is awarded or paid, or both, the state is under no obligation to pay the city or county

Ch 97 (SB 934) Stiern Barstow Community College District emergency apportionment

Existing law prescribes numerous formulas for the allowance and apportionment of state funds to community college districts, including provisions for emergency apportionments which require certain reports of the district receiving the apportionment, review of the reports by the county superintendent of schools, and repayment over a 3-year period together with interest at a rate equal to the rate established for the most recent sale of state bonds

This bill would reappropriate from the funds appropriated to Section B of the State School Fund in the 1981–82 fiscal year a sum not to exceed $500,000 for allocation to the Barstow Community College District The bill would specify that any deficit in the state general apportionment to community college districts in the 1981–82 fiscal year created by this reappropriation is to be excluded from the computation of the base 1982–83 fiscal year revenues of community college districts

The bill would require repayment of the apportionment over a 3-year period together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account The bill would also require the district to meet specified provisions of existing law relating to emergency apportionments

This bill would require that the sale proceeds from a parcel of land held by the district be first used to repay the reappropriation made by the bill, as specified

This bill would take effect immediately as an urgency statute

Ch 98 (AB 79) Mountjoy. Testimony of victims of crimes

Under existing law, where a defendant has been charged with a public offense, a material witness who is about to leave the state, or is sick and infirm, may be examined

conditionally. The testimony of the witness is given before a magistrate, and reduced to writing, and may be later used in certain circumstances

This bill would provide that the testimony of a victim of certain sexually related crimes who is 15 years old or younger given at the preliminary hearing may be recorded and preserved on videotape for later use in addition to being stenographically recorded. The application for an order to record and preserve on videotape the testimony of the victim would be required to be made 3 days prior to the preliminary hearing

The recorded testimony could be later used in specified circumstances.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 99 (AB 1517) Imbrecht Health care service plans· licenses penalties.

(1) Under existing law, the Knox-Keene Health Care Service Plan Act of 1975 makes it unlawful, and prescribes criminal penalties for willful violations, for any person to engage in business as a health care service plan or to receive advance or periodic consideration in connection with a plan from or on behalf of persons unless the person has secured a license from the Commissioner of Corporations, or has a license, then in effect, as a health care service plan or unless that person is exempted as prescribed

This bill would additionally make any person who violates the above provision liable for a prescribed civil penalty

The bill would provide that the cause of action may be brought by the Attorney General or the Commissioner of Corporations, as determined by the commissioner.

(2) Existing law authorizes the Commissioner of Corporations to summarily revoke the license of any health plan, solicitor, or solicitor firm which is no longer in existence, has ceased to do business as a licensee, has been subject to an adjudication of mental incompetence, or cannot be located after a reasonable search Existing law also permits the commissioner to summarily suspend or revoke the license of a plan, solicitor, or solicitor firm upon failure to pay a required fee, as specified, or upon failure to file any required amendment or report, as specified, or upon failure to maintain any bond or insurance

This bill would delete solicitors and solicitor firms from the requirements of these provisions

(3) The bill would take effect immediately as an urgency statute

Ch 100 (AB 528) Rosenthal Medi-Cal

Existing law provides that specified services for persons eligible for mental health programs shall be covered under the Medi-Cal program

This bill would specify that rates for services provided to beneficiaries of both the Medi-Cal program and the Short-Doyle mental health program shall continue to be based upon the upper limit allowable under federal law for services provided prior to July 1, 1980, and on the lower of reasonable costs and customary charges for services rendered through June 30, 1983

The bill further provides that the State Department of Health Services, in consultation with the State Department of Mental Health and the State Department of Alcohol and Drug Abuse Programs, shall promulgate emergency regulations establishing rates and a rate-setting methodology for reimbursement of Short-Doyle mental health and drug services allowable under the Medi-Cal program

The bill provides that regulations concerning mental health and drug program services shall be emergency regulations

Existing law does not contain a provision whereby the Director of Health Services may require practitioners, under the Medi-Cal program, who are found to have been prescribing or ordering unnecessary services or items, to obtain prior authorization before prescribing or ordering services or items for Medi-Cal beneficiaries.

This bill would so provide

This bill would take effect immediately as an urgency statute

Ch 101 (AB 1229) Konnyu Auditing practices

Existing law does not specify the standards that state and local agencies must follow during the conduct of an audit

This bill would recommend that all state and local agencies with $50,000,000 or more annual spending to consider establishing an ongoing internal audit function and require all public agency auditors to utilize the standards of internal auditing specified on the effective date of the bill by the publication entitled "Standards for the Professional Practice of Internal Auditing," as published by the Institute of Internal Auditors, Inc, in its fourth printing, dated April 1980 It would require the Auditor General to conduct an annual review, in conjunction with the annual audit of state financial statements, or when otherwise directed by the Joint Legislative Audit Committee, of all state auditing functions, as specified, for variances from the general practice Further, it would require the Auditor General to submit reports to the Legislature and appropriate entities regarding the significant variances from the general practice This bill would also give local agencies the option to comply with the specific standards, as indicated, and would authorize the Joint Legislative Audit Committee to grant waivers to any agency from compliance with the standards

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 102 (SB 1194) M Garcia Petitions signature verifications

Existing law provides that if the number of signatures appearing on an initiative or referendum petition as filed with the Secretary of State are sufficient to qualify the petition for the ballot, the Secretary of State must inform the several county clerks of that fact The county clerks, in turn, must determine the number of qualified voters who have signed the petition The county clerks may, under specified conditions, utilize a sampling technique for purposes of verifying the signatures After verifying the signatures, the several county clerks must then certify to the Secretary of State the results of their examination Existing law, additionally, provides that if the certificates received from all the county clerks establish that the number of valid signatures do not equal 90% of the number needed to find the petitions sufficient, it shall be deemed to have failed If the signatures total more than 110% of the number needed to qualify the petition, the petition must be deemed to qualify as of the date of receipt by the Secretary of State of certificates showing the signatures to have reached 110% If the certificates show that the number of signatures are between 90 and 110%, each signature must be verified by the clerks

This bill would provide that if, on or before January 28, 1982, the Secretary of State received from the several county clerks certificates, based on the random sampling technique, establishing that the number of valid signatures affixed to an initiative petition is more than 105% of the number of qualified voters needed to find the petition sufficient, the petition shall be deemed to have qualified for the ballot and the initiative measure shall be submitted to the voters at the June 1982 Direct Primary Election

The bill would take effect immediately, as an urgeny statute

Ch 103 (AB 1071) Lancaster Local funding jurisdictional changes.

(1) Existing law contains provisions relative to property tax exchanges between or among local agencies in the case of jurisdictional changes, and prescribes that certain amendments made by any chapter of the Statutes of 1980 be construed to apply prospectively to jurisdictional changes, as specified These amendments include prospective procedures applicable to jurisdictional changes which will result in a special district providing one or more services in an area where such services have not been previously

provided by any local agency

This bill would prescribe another procedure to apply to jurisdictional changes that were filed, or initiated, between certain dates and would specify that this provision shall not affect a negotiated agreement entered into pursuant to another prescribed provision

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(4) This bill would take effect immediately as an urgency statute

Ch 104 (AB 1402) Baker Reclamation district assessments.

(1) Under existing law, the county treasurer is required, after publication of notice as prescribed, to sell to the highest bidder any parcel of real property upon which any installment of an unpaid reclamation district assessment is delinquent. Any person interested in the parcel may redeem at any time within 1 year after the sale If no bid is made for the parcel equal to the amount due, the county treasurer is required to sell the parcel to himself as trustee for the district for the amount due, and after the expiration of the redemption period may, in accordance with prescribed requirements, sell the parcel

This bill would, until January 1, 1988, require the county treasurer to give notice, as prescribed, by registered mail of any sale for delinquent assessments to the owner of the parcel and to any holder of a deed of trust on the parcel or tax service entity or any other entity interested in the parcel requesting notice by written instrument identifying the parcel filed with the county treasurer's office

The bill would also require the county treasurer, at least 60 days prior to the expiration of the redemption period, to give notice, as prescribed, of specified information by registered mail to such persons or entities The bill would extend the redemption period, if the notice is not given, to 60 days following the date of mailing of the notice

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, those provisions regarding notice of sale of real property contained in the bill for which state reimbursement is required

Ch 105 (AB 2279) Sebastiani Vallejo sanitation trustees' compensation

Under existing law, each trustee of the Vallejo Sanitation and Flood Control District receives not to exceed $50 for each meeting of the board attended by him, not to exceed 3 meetings or $150 in any one month

This bill would increase the limit on the compensation of trustees to $75 per meeting for 3 meetings or $225 in any one month

Ch. 106 (AB 2134) Lancaster. Sureties. statute of limitations

Existing statutory law does not expressly provide whether the applicable statute of limitations is the same for the principal and surety or whether the statute of limitations applicable to the surety is independent of that applicable to the principal

This bill would provide that the expiration of the statute of limitations with respect to the obligations of the principal, other than the obligations of the principal under the bond, shall also bar an action against the principal or surety under the bond, if the obligations under a surety bond are conditioned upon performance of the principal, unless the bond provides otherwise.

Ch 107 (AB 703) D. Stirling Sales and use tax exemption trailers and semitrailers

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from such tax.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

Under existing provisions of law, these are exempt from state and local sales, transactions, and use taxes purchases of new trailers or semitrailers with an unladen weight of 6,000 pounds or more for use without the state and delivered to the purchaser within the state if the purchaser removes the trailers or semitrailers to any point outside the state within 30 days of the date of delivery

This bill would enlarge the exemption by extending the time for removal outside the state from 30 days to 75 days for vehicles manufactured in this state.

This bill would also delete from the exemption provision a cross-reference to obsolete provisions relating to special taxes for rapid transit construction

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, however, its operative date would depend upon its effective date

Ch 108 (AB 1883) L Stirling. Subpoenas arbitration proceedings

Existing law, relative to the general arbitration provisions, authorizes the neutral arbitrator to issue subpoenas and subpoenas duces tecum.

This bill, in addition, in the context of the general arbitration law, would require the arbitrator, or other authorized person or entity administering the arbitration proceedings, to issue presigned subpoenas and subpoenas duces tecum in blank The presigned subpoenas would thereafter be filled in before service by the party serving the subpoena.

Ch 109 (AB 927) Rogers. Recall elections

Existing law provides for the recall of state and local elective officers

This bill would revise these provisions of law by making certain technical and clarifying changes In addition, it would revise the method of examining and certifying recall petitions and it would specify that a recall election shall be held between the 88th, rather than the 80th, and the 125th day after the issuance of the order calling the election

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 110 (AB 1991) Konnyu. Hearing procedures.

Existing statutes provide that when an applicant or a recipient of a public social services program, including a county's relief program for needy persons, who appeals the action of a county concerning the program, the applicant or recipient shall be given a hearing by the State Department of Social Services, and specify with respect to

programs other than the county relief program that the hearing shall be granted within 45 days and that notice shall be given to all parties concerned within 10 days of the hearing

This bill would provide that when applicants or recipients appeal actions of a county, hearings shall be given by the State Department of Social Services within 30 days of the receipt of the request for hearing, and that notice shall be provided to all necessary parties within 10 days of the hearing

Existing law provides that only under specified circumstances are applicants of a county's relief program for indigent persons required to reimburse the county for benefits received pending a hearing whose outcome is adverse to the applicant or recipient.

This bill would provide that whenever an applicant or recipient receives aid payments under a county's relief program pending a hearing, the applicant or recipient shall be liable to reimburse the county for these payments subsequent to an adverse hearing determination to the extent permitted by federal law

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 111 (AB 568) Statham Volunteer firefighters length of service award system

The Volunteer Firefighters Length of Service Award Act declares that its provisions are not intended to provide any credit for service rendered prior to its effective date

This bill would delete that provision, define "certified prior service credit," and permit each contracting agency to elect to offer that credit if the electorate approves, but not to exceed 8 years as specified

This bill would take effect immediately as an urgency statute

Ch 112 (AB 184) Vicencia Local agencies

The existing California Industrial Development Financing Act authorizes cities and counties to establish industrial development authorities to issue revenue bonds to fund capital projects of private enterprise to assist in the economic development of the state and its citizens Under that act, projects otherwise authorized by the act and undertaken by a chartered city pursuant to an industrial bond ordinance adopted prior to July 1, 1979, are exempted, under specified circumstances, from complying with the provisions of the act

This bill would require that the chartered city have adopted the industrial bond ordinance before December 31, 1979, instead of July 1, 1979

Under existing law state entities are required to utilize the Attorney General as their legal counsel except that an exemption is granted to specified state entities from this requirement

This bill would, on and after January 1, 1983, include within the exemption from this requirement the State Treasurer with respect to bonds and also prohibit the State Treasurer from utilizing funds from the General Fund to employ staff bond counsel in the fiscal years 1982–83 and 1983–84

The bill would take effect immediately as an urgency statute

Ch 113 (AB 1122) Hughes Housing finance annuity funds mobilehomes

(1) Existing law requires the Auditor General until January 1, 1984, to prepare, within 30 days, a specified report to the Legislature on any proposed increase in fees set by the Department of Housing and Community Development relating to mobilehome parks

This bill would delete the 30-day period and make the report permissive

(2) Existing law requires the Joint Legislative Audit Committee to conduct a study on a specified mobilehome enforcement program and make the final report to the

Legislature on or before January 1, 1983.

This bill would delete the due date and make the study permissive

(3) Existing law authorizes the Department of Housing and Community Development to establish annuity funds for the purpose of reducing rent levels to ensure occupancy by eligible households, as prescribed by the Rental Construction Incentive Program. Existing law also requires that not less than 20 percent of the funds be utilized for the program, but makes no specific provision for its investment.

This bill would require the department to direct the State Treasurer to invest moneys set aside or otherwise deposited in the annuity fund and which are not required for the program's current needs in any eligible securities, as prescribed, and as designated by the department The bill would authorize the department to require the transfer of moneys in the annuity fund to the Surplus Money Investment Fund.

The bill would take effect immediately as an urgency statute

Ch 114 (AB 665) Hughes Housing multifamily rental. bonds

Present law authorizes a city of over 2,000,000 population and a county of over 4,000,000 population to issue revenue bonds to finance multifamily rental housing for occupancy by, among others, persons and families of low and moderate income and to finance prescribed related capital improvements. Existing law does not otherwise expressly authorize any city or county to engage in the financing of multifamily rental housing and to issue revenue bonds for such purpose

This bill would repeal the above described provisions and would authorize the exercise of these powers in a prescribed manner by any city or county, including an authorization to finance the development of commercial property for lease in conjunction with the financing of multifamily rental housing under certain circumstances The bill would authorize a city or county to enter into an agreement with the California Housing Finance Agency to issue bonds and operate such a program on behalf of the city or county It would require a city or county to investigate complaints of violations of its provisions and would require such city or county, when it determines a violation exists, to take all appropriate action to eliminate the violation. It would also provide specified judicial relief.

The bill would limit the maximum amount of revenue bonds which may be issued by cities and counties, including chartered cities, for all such programs, whether under this bill or otherwise, statewide to $900,000,000 in any calendar year

The bill would require at least 20% of the units financed to be for occupancy by defined lower income households

The bill would require each city, county, and city and county that has issued bonds under the provisions of the bill to file a specified annual report, containing certain information, with the Governor, the Legislature, and the Department of Housing and Community Development

The provisions of the bill would take effect immediately as an urgency statute and would be repealed effective January 1, 1984

Ch 115 (AB 1253) Vasconcellos Fiscal affairs

(a) Under existing law, various appropriations have been made for various purposes and all the funds appropriated have not been disbursed Also, various funds have undisbursed balances in them

This bill would revert and transfer, or transfer, funds to the unappropriated surplus of the General Fund, as follows

(1) $1,000,000 from the Peace Officers' Training Fund.

(2) $1,150,000 from the Architecture Revolving Fund

(3) $250,000 from the appropriation made by Item 426-001-001 of the Budget Act of 1981.

(4) $875,000 from the appropriation for the 1981–82 fiscal year made by Chapter 1329 of the Statutes of 1980.

(5) $6,500,000 from Item 518-101-001 of the Budget Act of 1981

(6) $200,000 from Item 644-001-001 of the Budget Act of 1981

(7) $4,553,000 from Item 980-001-001 of the Budget Act of 1981

(8) $5,447,000 from the appropriations made by Chapter 192 of the Statutes of the 1979.

(9) An unspecified amount from the Transportation Planning and Development Account in the State Transportion Fund

(10) The unencumbered balance of Item 084-001-970 of the Budget Act of 1981.

(11) $6,997,000 from Item 190-101-001 of the Budget Act of 1981

(12) $789,000 from Item 147 of the Budget Act of 1980

(13) $1,147,000 from Item 510-001-001 of the Budget Act of 1981

(14) The unencumbered balance of the reappropriation made by Item 430-490 of the Budget Act of 1981

(15) The $4,300,000 of the unencumbered balance of the Local Health Capital Expenditure Account

(16) $1,000,000 of the interest earned on the appropriation made by subdivision (a) of Section 50740 of the Health and Safety Code

(17) $1,000,000 from the Corrections Training Fund

(18) $2,700,000 from the Aeronautics Account in the State Transportation Fund

(19) The unencumbered balances of specified appropriations allocated for the acquisition of the Santa Fe Depot in San Diego

(20) An amount of up to $9,136,000, as specified, from Item 610-101-001 of the Budget Act of 1981

(21) $25,000,000 from Item 518-101-001 of the Budget Act of 1981.

(b) The bill would also require a transfer to the General Fund of $2,000,000 by the University of California by June 30, 1982, and would state legislative intent in regard thereto

(c) Under existing law, any loan from the Emergency Telephone Number Account in the General Fund in excess of 10% of the amount in the account is required to be with interest

This bill would authorize a loan of up to $20,000,000 from the Emergency Telephone Number Account without interest

(d) Various provisions of existing law provide for increased transfers of funds from the General Fund to Sections A and B of the State School Fund Other provisions of existing law provide for increased apportionments to school districts and community college districts

Existing law provides for an annual cost-of-living adjustment in the funds allocated under specified child nutrition programs and special education programs

Existing law provides for an annual cost-of-living adjustment in the funds transferred from the General Fund to the State Instructional Materials Fund

This bill would reduce these increases, as specified, for the 1982–83 fiscal year except to the extent increases may be provided for by the Budget Act of 1982

(e) Under existing law, the Controller is required to transfer, into the State Energy Loan Fund, all moneys required to meet loan requests of the State Assistance Fund for Energy, California Business and Industrial Development Corporation (a nonprofit corporation) to provide financing assistance to specified businesses, relative to energy and energy systems, up to a maximum of $2,500,000 All moneys in the fund are continuously appropriated

This bill would prohibit the Controller from transferring any money into the fund prior to July 1, 1982

(f) Existing law provides annual adjustments in the amount of state reimbursement to local agencies for the loss of property tax revenue attributable to the exemption of business inventories, as specified

This bill would, for the 1982–83 fiscal year, reduce these adjustments, as specified, except to the extent increases may be provided for by the Budget Act of 1982

(g) Under existing law, interest earned and other increments derived from investments in the Surplus Money Investment Fund is apportioned to the Controller to the General Fund, various special funds, and all other funds

This bill would require that the interest on all other funds be allocated to the General Fund The bill would also correct an obsolete reference to a provision in the California Constitution, and make other nonsubstantive changes

(h) Under existing law, fees are collected by the Division of Occupational Safety and Health in the Department of Industrial Relations for inspection of elevators, tanks, and boilers The fees are required to be set forth in regulations, subject to review by the Office of Administrative Law

This bill would provide that the regulations would be deemed to be emergency regulations, not subject to the review, and would take effect immediately upon filing with the Secretary of State

(i) Under the California Sales and Use Tax Law, returns generally must be filed and the tax paid quarterly, on or before the last day of the month following the quarterly period However, if the State Board of Equalization determines that the taxpayer's taxable transactions average $17,000 or more per month, monthly prepayments of tax must be made in a prescribed manner Also, Chapter 5 of the 1981–82 First Extraordinary Session would make changes in those laws concerning the prepayment of the tax with respect to taxpayers whose taxable transactions average $4,000,000 or more per month, as determined by the State Board of Equalization

This bill would make the changes in those laws to be made by Chapter 5 applicable to taxpayers whose taxable transactions average $200,000 or more, instead of $4,000,000 or more, per month, as determined by the State Board of Equalization

(j) Existing law requires the State Director of Health Services to establish payment schedules, as specified, for certain Medi-Cal programs

This bill would prohibit any increases in these payment schedules for the period from July 1, 1982, to September 30, 1982, inclusive, except as specified

(k) Existing law provides for annual cost-of-living adjustments to rates to be paid to providers of community living facilities and private residential care facilities for the developmentally disabled and mentally disordered and to grants provided pursuant to the Aid to Families with Dependent Children Program (AFDC), to the basic State Supplementary Program (SSP) for the aged, blind, and disabled, including grants for out-of-home care in nonmedical facilities, and to special auxiliary programs for in-home supportive services (IHSS)

This bill would suspend these costs-of-living adjustments for the period from July 1, 1982, to September 30, 1982, inclusive, except as specified

(*l*) Existing law authorizes the State Director of Health Services to provide increases in the reimbursement levels for physician and dental services and prescribed drug products under Medi-Cal

This bill would prohibit any increase in these reimbursement levels for the period from July 1, 1982, to September 30, 1982, inclusive, except as specified.

(m) Existing law provides an annual cost-of-living adjustment in state grants in support of county health services.

This bill would prohibit any adjustment for the period from July 1, 1982, to September 30, 1982, inclusive, except as specified

(n) This bill would prohibit, with certain exceptions, the use of any funds appropriated by the state to provide cost-of-living allowances or adjustments for a specified period.

(o) Under existing law, the General Fund made a loan to the Stephen B. Teale Data Center Revolving Fund

This bill would transfer the funds from the Stephen B Teale Data Center Revolving Fund to the General Fund to repay the loan, plus interest, and require the transfer of funds from the budgets of agencies which have contracted for services with the data center the amounts contracted for in the current fiscal year

(p) Under existing law, the state, school districts, county offices of education, and community college districts pay a specified percentage of the compensation paid to state employees whose compensation is payable from the General Fund and classified employees of school districts, county offices of education, and community college districts, respectively, to the Public Employees' Retirement System monthly Also under existing law, the Board of Administration of the Public Employees' Retirement System is required to establish a reserve against deficiencies

This bill would provide that neither the state, school districts, county offices of education, nor community college districts would make the payment for the months of April, May, and June of 1982 and would require the board to transfer an amount equal to that amount not paid from the reserve against deficiencies to the unallocated portion of the Public Employees' Retirement Fund. The bill would revert the amounts not paid by the state, school districts, county offices of education, and community college districts to the unappropriated surplus of the General Fund, as specified

This bill would also reduce the employer contributions by school districts, county superintendents of schools, and community college districts to the Public Employees'

Retirement System by 0 410% of covered members' earnings reported during the period July 1, 1981, through June 30, 1982 The board would be required to make any necessary adjustments or refunds to school districts and county superintendents of schools from the reserve against deficiencies

(q) This bill would prohibit the Controller from transferring any money into the State School Building-Lease Purchase Fund prior to July 1, 1982 The $200,000,000 which otherwise could be transferred to the fund prior to July 1, 1982, is to be considered a loan to the General Fund without interest

(r) This bill would also authorize a transfer of $128,150,000 from 6 specified funds to the General Fund

(s) This bill would require each county auditor to notify, as specified, the Superintendent of Public Instruction and the Chancellor of the California Community Colleges of the amount each school district, community college district, and county superintendent of schools is to receive from the collection of the unsecured roll property tax during the remainder of the 1981–82 fiscal year.

(t) The bill would also provide that necessary regulations for implementation of the bill are exempt from review by the Office of Administrative Law, and would make other findings and impose other conditions.

(u) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(v) The bill would take effect immediately as an urgency statute

Ch 116 (AB 985) W. Brown Criminal justice legal training

Existing law makes no provision for funding of statewide programs of education, training, and research for local public prosecutors and public defenders.

This bill would establish in the Office of Criminal Justice Planning a program of financial assistance to provide for programs of education, training, and research for local public prosecutors and public defenders Funds made available for such programs would be allocated and awarded by the executive director of the Office of Criminal Justice P'anning to public agencies and private nonprofit organizations which provide programs meeting specified criteria The criteria for the programs would be developed by the Prosecutors and Public Defenders Education and Training Advisory Committee, created by this bill, whose 12 members would be appointed by the executive director of the Office of Criminal Justice Planning

The sum of $495,000 would be appropriated each fiscal year, from the Corrections Training Fund for the 1981–82 fiscal year, and from the Assessment Fund each fiscal year thereafter, as specified, to the Office of Criminal Justice Planning for the purposes of the bill The bill would be repealed January 1, 1986, and would take effect immediately as an urgency statute.

Ch 117 (AB 1623) Martinez State highways freeway agreements

Under existing law, the Department of Transportation is authorized to enter into agreements with counties and cities to permanently close county highways or city streets when it constructs a freeway

This bill would authorize the department to construct a freeway without a freeway agreement with a county or city on the route determined by the California Transportation Commission, if specified conditions have been met It would require the department, if it constructs a freeway on the route selected by the commission under the conditions specified in the bill, to meet and confer with affected counties and cities with respect to the design of the portion of the freeway to be constructed within the affected county or city

Ch 118 (SB 233) Greene County property lease agreements.

Existing law permits the board of supervisors in a county containing a population of 4,000,000 or more to lease real property owned by the county, without advertising for bids, to any nonprofit corporation or nonprofit association for a term not to exceed 40 years for the purpose of constructing, operating, and maintaining facilities for a medical, dental or postgraduate medical school or a school for undergraduate or postgraduate training in other fields of medical and allied health care Existing law requires the lessee named in the lease to construct on the leased premises buildings to be used for the public purpose of providing medical or dental instruction or instruction in other fields of medical and allied health care to qualified students and requires that at the end of the lease the title to the buildings vests in the county

This bill would permit the board of supervisors in a county containing a population of 4,000,000 or more to lease real property, or portions thereof, owned at the time of the lease by the county and used for the purpose of conducting medical research and education, without advertising for bids, to any medical school, nonprofit corporation, or nonprofit association for the purpose of conducting medical research and education. The lessee named in the lease would be required to maintain the leased premises and assume responsibility for capital improvements during the term of the lease and the lessee would be required to provide title to the county to any capital improvements at the expiration of the lease

Ch 119 (SB 1244) Mello Monterey Peninsula Water Management District

Under existing law, the Monterey Peninsula Water Management District is not authorized to provide for the generation of hydroelectric power

This bill would authorize the district to construct, maintain, and operate plans for the generation of hydroelectric power in a manner consistent with the district's storage, transmission, and distribution of water, and to lease the plants, or sell the power generated, to a public utility or public agency engaged in the distribution, use, or sale of electricity

Ch 120 (SB 1347) Holmdahl State bridges and highways revenue bonds Dumbarton Bridge.

Under the California Toll Bridge Authority Act, the maximum allowable interest rate on revenue bonds issued to finance toll bridge construction is 10%.

This bill would raise the maximum interest rate to 12% on revenue bonds, not exceeding an aggregate amount of $50,000,000, used exclusively for the costs of construction of the new Dumbarton Bridge The bill would also change an obsolete reference

The bill would take effect immediately as an urgency statute

Ch 121 (AB 370) Moorhead Health insurance payment for services

Existing law with respect to policies of disability insurance, self-insured employee welfare benefit plans, hospital service contracts, and health care service plans does not specifically permit the insured, upon referral of a licensed physician and surgeon, to select specified registered nurses to perform particular services covered under the terms of the policy or plan.

This bill would prohibit such policies and plans from excluding the services of a registered nurse, upon referral of a licensed physician and surgeon, who possesses a master's degree in psychiatric-mental health nursing and 2 years of supervised experience in psychiatric-mental health nursing

Ch 122 (AB 1354) Berman Water rights South Fork American River

Under existing law, permits to appropriate water are issued by the State Water Resources Control Board in accordance with prescribed procedures and requirements

This bill would specify that the Georgetown Divide Public Utility District has the right to pursue, without any right of assignment to other parties, the district's preliminary permit number 4287 which was issued by the Federal Energy Regulatory Commission and the right to pursue a license from the commission for development of the South Fork of the American River between Chili Bar Reservoir and Salmon Falls Bridge.

The bill would, until the date when the federal application process is completed, as defined, prohibit the acceptance of any application or the issuance by the board, with specified exceptions, of any water rights permit for diversion of water from that section of the South Fork of the American River except to the Georgetown Divide Public Utility District The bill, would for 10 years after the date when the federal application process

is completed, prohibit the acceptance for filing or issuance of any permit to appropriate water for any such project, would, until 20 years after the date when the federal application process is completed, exempt the district from the statutory requirements relating to diligence in connection with the appropriation of water, and would from 10 years, until 20 years after the date when the federal application process is completed, prohibit the issuance of any permit for such a project except to the district

The bill would require any applicant for water rights whose project on the South Fork of the American River between Chili Bar Reservoir and Salmon Falls Bridge would reduce river flow below the flows necessary to continue instream recreational beneficial uses on that portion of the river to evaluate alternatives which would not so reduce the flows

The bill would require any person who after the effective date of the bill receives a water rights permit or license to appropriate water at any point on that section of river and who is also an applicant receiving a commission hydroelectric power license for such project, including assignees and successors to the applicant, to replace in-kind at the time of loss any instream navigation, fishery, and swimming uses which are lost as a result of the project. The board would be required to include terms and conditions in any water rights permit or license issued on any application to implement that requirement These provisions would not be operative or would cease to be operative, as the case may be, if the district permanently or irrevocably withdraws its commission preliminary permit number 4287 not later than 10 days after the operative date of this bill.

The bill would prohibit the district to transfer any permit or license received except as specified

The bill would become operative on January 1, 1983, or on the date that the board issues a water rights permit or permits for the South Fork American River Project which is acceptable to the applicant, or on the date that the commission issues a license, which is acceptable to the applicant, for project number 2761, also known as the South Fork American River Project, or on the date when challenges or appeals to that issuance have been dismissed or the issuance has been sustained, whichever date occurs last.

Ch. 123 (AB 1749) Naylor Swamp and overflowed lands navigability

Under the existing law, all waters are deemed to be navigable which are navigable in fact, and navigability may subsequently arise by reason of a change in the character of the waters without affecting title to the underlying lands. Swamp and overflowed lands are lands which were granted from the United States to the State of California under the Arkansas Swamp Land Act of 1850 and were thereafter subject to alienation by the state free from any public trust for commerce, navigation, and fisheries

This bill would declare that where lands above the ordinary high-water mark, granted to the state by the Arkansas Swamp Lands Act, have been conveyed into private ownership by the state, such lands, by definition, are taken free and clear of the common law public trust for commerce, navigation and fisheries, and that where the acts of the owner pursuant to then existing law in dredging the lands results in the navigable waters of the state flowing over the land, such acts shall not operate to create or impose the common law public trust for commerce, navigation, and fisheries with respect to the land The bill would specify that such acts operate to create a navigational easement, as described

Ch 124 (AB 2244) Lancaster Insurance: California standard form fire insurance policy

Existing law provides that all fire insurance policies on subject matter in California shall be on a standard form and no part of the standard form shall be omitted except that any policy which, in addition to coverage against the peril of fire, includes substantial coverage against other perils need not comply with the provisions of the standard form or specified provisions of law, provided that the coverage of the policy with respect to the peril of fire, when viewed in its entirety, is substantially equivalent to or more favorable to the insured than that contained in the standard form fire insurance policy.

This bill would instead exempt any policy providing coverage against the peril of fire only, or in combination with coverage against other perils, from complying with the provisions of the standard form fire insurance policy or specified provisions of law, provided that such coverage with respect to the peril of fire, when viewed in its entirety, is substantially equivalent to or more favorable to the insured than that contained in such

standard form fire insurance policy

Existing law provides that clauses imposing specified duties and obligations upon the insured and limiting the liability of the insurer may be attached to the standard form, and shall be in type larger than pica or in capital letters covering not less than $^{8}/_{100}$ths of an inch in height

This bill would instead require that such clauses be in type not smaller than 8-point and in a style not less legible than Century with subheads in type larger than 8-point and in a style not less legible than Century, as specified

Ch. 125 (AB 2272) N Waters Records

(1) Under existing law, the county recorder and the local registrar of births and deaths, with the approval and under the supervision of the State Registrar of Vital Statistics and with the permission of the board of supervisors of any county or city and county by ordinance, is authorized to dispose of county records of births, deaths, and marriages for events which occurred subsequent to July 1, 1905

This bill would, instead, permit, subject to certain conditions, the county recorder and the local registrar to authorize the transfer of special county records and the local registrar's records of deaths for events which occurred subsequent to July 1, 1905, to a public agency or private nonprofit agency. The bill would provide that if a private nonprofit agency or public agency to which the copies of records are transferred is unable to assure the continued preservation and protection of the records for public records, that private agency or public agency would be required to return the records to the contributing local registrar or county recorder. The bill would further exempt any record of birth, death, or marriage transferred to a public or private nonprofit agency from the requirements that the State Registrar permanently preserve certificates in a systematic manner and maintain a comprehensive and continuous index of all certificates registered. The bill would also exempt those records transferred to a private nonprofit agency or public agency from the requirement that the State Registrar transport copies of amendments to a certificate to the local registrar and county recorder in whose office copies of the original record and information are on file

(2) Existing law provides for the destruction of superior court records in a domestic relation action or proceeding if a period of 5 years has elapsed since those papers were filed Existing law authorizes the county clerk to microfilm specified domestic relations documents, including a petition for and order of adoption

This bill would, instead, require the county clerk to microfilm adoption records prior to destruction

(3) Under existing law, the county clerk is required to maintain, as a permanent record, certificates of confidential marriages which, with certain exceptions, are not open to public inspection

This bill would require, in lieu of those provisions, that the county clerk keep all original certificates of confidential marriages only for 1 year after the date of filing and would authorize the county clerk after 1 year to microfilm the certificates and dispose of the original certificates, as prescribed

(4) This bill would take effect immediately as an urgency statute

Ch 126 (SB 604) Johnson Agriculture

(1) Existing law requires the board of directors of a district agricultural association to elect a secretary and treasurer for the association from among persons who are not members of the board One person may be both the secretary and treasurer

This bill would require the board of directors of an association to select a secretary, a manager, and a treasurer from among persons who are not members of the board The secretary, manager, and treasurer would be designated as state officers One person may be the secretary, manager, and treasurer

(2) Existing law requires of the first handler of beef received from outside the state to submit a list of all out-of-state beef processors from whom beef has been received on a quarterly basis to the Director of Food and Agriculture A handler failing to submit the list is subject to a $50 civil penalty Under existing law, any violation of the Food and Agricultural Code is generally also a misdemeanor

This bill would provide that the civil penalty is the exclusive penalty for a violation of the requirement that the first handler of beef received from outside the state report

to the director

(3) Existing law permits the first handler of beef received from outside the state who pays the California Beef Council assessments to deduct the amount of the assessments from any money which is owed by the first handler to the out-of-state beef processor on contracts entered into on or after January 1, 1982

This bill would instead cause the above-stated law to apply to contracts entered into on or ~~before~~ [after]* February 1, 1982

~~(4) The proposed changes discussed in (2) and (3) above would not become operative unless A.B. 950 is chaptered and amends specified sections of the Food and Agricultural Code.~~*

~~(5)~~ [(4)]* The bill would take effect immediately as an urgency statute

Ch 127 (AB 1183) Cortese. Radio dispatching systems. Department of Fish and Game and Department of Parks and Recreation

This bill would require the Department of Fish and Game and the Department of Parks and Recreation to each prepare a report, as specified, to the Legislature on or before December 31, 1982, regarding alternative ways to provide a 24-hour radio dispatching system

It would appropriate $40,000 from the Fish and Game Preservation Fund to the Department of Fish and Game for expenditure during the 1982 calendar year for purposes of carrying out these provisions and state the intent of the Legislature that the Department of Parks and Recreation use existing funds to carry out its duties under the act.

The bill would take effect immediately as an urgency statute

Ch. 128 (SB 708) Presley Parks and recreation. urban fishing program· local assistance grants.

Under existing law, the Department of Parks and Recreation administers several grant programs with respect to the acquisition and development of local parks and recreational facilities The Department of Fish and Game is responsible for administering and enforcing laws relating to fishing

This bill would establish the Presley Urban Fishing Program Act administered by the Department of Parks and Recreation in conjunction with the Department of Fish and Game. Under the program, grants funded by appropriation of moneys from the Resources Account in the Energy and Resources Fund would be made to cities, counties, and districts that provide park, recreation, or open-space facilities and services for local urban fishery rehabilitation and enhancement, as specified

The bill would also provide that no grant shall be made on or after the date the Energy and Resources Fund is abolished.

The bill would take effect immediately as an urgency statute.

Ch 129 (AB 2628) Young Financial transactions.

Existing law prescribes in two sets of provisions, one operative until April 1, 1982, and the other operative on and after April 1, 1982, (1) what every retail installment contract shall contain and what notices shall be given where a retail installment contract includes a finance charge, (2) what notices, if any, shall be given in any contract for goods or services which provides for a security interest in real property, (3) the maximum finance charge which may be assessed on a retail installment sale; and (4) what every conditional sale contract for the sale of a motor vehicle shall contain and what notices shall be given where a conditional sale contract for the sale of a motor vehicle includes a finance charge.

This bill would provide, by means of amendment or by means of repeal and addition, that the provisions which are to be operative until April 1, 1982, shall, instead, be operative until October 1, 1982, and that the provisions which are to be operative on and after April 1, 1982, shall, instead, be operative on and after October 1, 1982. The bill would provide for two alternative provisions relating to the maximum finance charge which may be assessed on retail installment sales, and would permit compliance with either of the provisions between the effective date of the act and October 1, 1982

This bill would make conforming changes to related provisions by providing that compliance with those provisions of the Unruh Act and Rees-Levering Motor Vehicle

Sales and Finance Act, which were amended by Chapter 1075 of the Statutes of 1981, shall be permissive between the effective date of the act and October 1, 1982, and mandatory on and after October 1, 1982.

This bill would take effect immediately as an urgency statute

Ch 130 (AB 1591) Floyd Public employees' retirement systems members

The Public Employees' Retirement Law presently includes lifeguards within the local safety category and membership.

This bill would make a technical nonsubstantive change in that provision and would provide that it shall not be construed to entitle any person to any right or benefit that he or she was not already entitled to prior to December 31, 1982.

Ch 131 (AB 1116) Young Savings and loan associations

Chapter 1027 of the Statutes of 1981 repealed a provision of law which provided that if a domestic savings and loan association had investment certificates outstanding, a determination to convert into a federal savings and loan association would require the approval of the certificate holders holding not less than ⅔ in value of the outstanding investment certificates

This bill would, in conformity with the repeal of that provision, remove a reference to the previous requirement still contained in another provision of the Savings and Loan Association Law.

The bill would take effect immediately as an urgency statute

Ch 132 (AB 903) Hallett. Milk class 1 and class 4a

(1) Existing law classifies various types of milk Class 1 comprises any market milk, market skim milk, half-and-half, or concentrated milk that is supplied to consumers in the fluid state with specified exceptions, including any combination of market milk or market skim milk which is sterilized and packaged in hermetically sealed containers and any flavored milk product

This bill would, until July 1, 1983, delete the market milk or market skim milk packaged in hermetically sealed containers exception to the class 1 listing and instead provide that the exception applies to market milk products which are sterilized and sold for use outside the state, and to market milk products which are ultrapasteurized and sold for use outside the 48 contiguous states in the United States After July 1, 1983, this bill would provide that the exception applies to any market milk products which are sterilized or ultrapasteurized and sold for use outside the 48 contiguous states This bill would also delete the ultrapasteurized flavored milk product exception to the class 1 listing

(2) Existing law provides that class 4 comprises all market milk, market skim milk, or market cream used in the manufacture of specified items

This bill would divide class 4 into class 4a and class 4b, each of which would comprise market milk and market skim milk, or market cream used in specified items

(3) Existing law regulates the contents of various sterilized milk products

This bill would require that those products be produced using market milk and market cream.

(4) Existing law requires that sterilized milk drink mix be packaged in sterile hermetically sealed metal containers

This bill would eliminate the requirement that these containers be metal

(5) The bill would take effect immediately as an urgency statute, to become operative 120 days after the date of enactment

Ch 133 (AB 366) Ivers Motor vehicles youth buses

(1) Existing law defines schoolbuses to include any motor vehicle used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except as specified

This bill would except youth buses from the definition of schoolbuses. "Youth bus" would be defined by the bill as a bus designed for and when actually carrying not more than 16 persons and the driver used to transport children at or below the 12th-grade level from a public or private school to a nonschool-related youth activity within 25 miles of the school

The bill would provide for certification of drivers of youth buses and for the inspection

of youth buses by the California Highway Patrol. The bill would provide for fees for the youth bus inspection and testing of youth bus drivers which would be deposited in the Motor Vehicle Account in the State Transportation Fund

The bill would make it an infraction to load or discharge children onto or from a youth bus on a highway where the children must cross it, unless traffic is controlled by a traffic officer or an official traffic control signal The bill would make it a misdemeanor to fail to comply with any California Highway Patrol rule or regulation regarding youth bus equipment, maintenance, or operation

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 134 (AB 1223) Hart Medi-Cal pilot projects.

Existing law provides for various publicly funded health programs including the Medi-Cal program under which the state reimburses health care providers for giving services to low-income and indigent recipients.

This bill would allow the Board of Supervisors of Santa Barbara County to establish the Santa Barbara County Special Health Authority to assure provision of services to Medi-Cal and other recipients of specified publicly funded programs in Santa Barbara County.

The bill provides for specified means of appointing the board of directors for the health authority

The bill sets forth the powers of the health authority

The bill provides that the provisions relating to the establishment of the Santa Barbara County Special Health Authority would be repealed on January 1, 1986, if the county board of supervisors has not established the authority by that date, unless a later enacted statute chaptered prior to that date extends or deletes that date.

Existing law provides that the State Director of Health Services may enter into contracts for pilot projects in order to seek the development of alternative forms of financing and delivering health care services under the Medi-Cal program Existing law further specifies that each pilot project shall be for a fixed duration, but in no event longer than 4 years.

This bill would require the director to contract for the operation of one local pilot program, with special consideration for approving a program in Santa Barbara County, the establishment of which would be contingent upon the availability of state and federal funding and the availability of federal waivers to enable operation of the program

The bill sets forth a formula for determining the cost of the state contract for the pilot program

The bill establishes a method for selecting the contractor for the pilot program

This bill would further require an independent evaluation of the program established pursuant to this bill to be conducted and a report to be submitted to the director and the Legislature by June 30, 1987.

The provisions of this bill would remain in effect only until June 30, 1987

This bill would take effect immediately as an urgency statute

Ch 135 (AB 2903) Martinez. Milk pooling and milk stabilization

(1) Existing law provides a system whereby the Director of Food and Agriculture is required to prepare and administer a plan for the pooling of funds generated from the production and sale of fluid milk and cream. Existing law does not specifically authorize the director to examine the records of distributors, handlers, or producers of milk which relate to the acquisition or disposition of milk

This bill would authorize the director to have access to, and to enter during business hours, the premises of any distributor, handler, or producer, or any place where the books, papers, records, or documents pertaining to any transaction which relates to the acquisition or disposition of milk are kept.

(2) Under existing law, all milk pool quotas initially determined under a specified

formula shall not in any way be diminished An exception is provided that quotas may be modified pursuant to a provision that requires producers who do not, in the months of September, October, and November of any year, market the amount of fluid milk equal to their pool quota, to lose the production base, by which the quotas are determined, equal to the difference between the average amount of milk marketed and the pool quota.

This bill would delete that specific exception to the requirement that milk pool quotas may not be diminished

(3) The bill would also make technical and clarifying changes in the laws relating to milk pooling

(4) Existing law authorizes the director to formulate and adopt milk stabilization and marketing plans which establish minimum prices to be paid by handlers to producers for market milk in the various classes of that milk The plans may be amended after a noticed hearing at which persons testifying may file written briefs within 10 days after the hearing Existing law also requires the director to announce any order under the plan resulting from the hearing 10 days before the plan takes effect

This bill would, until June 1, 1982, for the purpose of the March 1982 hearing held to revise the stabilization and marketing plans, authorize the director to waive the provisions authorizing witnesses to file written briefs and to waive the 10-day notice requirement before the revised plans take effect

(5) The bill would take effect immediately as an urgency statute

Ch 136 (AB 846) Levine Crimes sentencing

Existing law specifies the punishment for criminal violations relating to assault with a firearm, firing a firearm at certain inhabited dwellings, or brandishing a firearm

This bill would provide that for those violations where existing law provides for a punishment of imprisonment in a county jail not exceeding 1 year, that imprisonment could not be less than 6 months, and that where existing law provides for a punishment of imprisonment in a county jail not exceeding 6 months, that imprisonment could not be less than 3 months

This bill would also eliminate provisions for the imposition of a fine without imprisonment for those violations

Existing law generally permits a court to grant probation, suspending the imposition or execution of a sentence, to a defendant unless convicted of certain crimes

This bill would provide that if the defendant is convicted of violating provisions relating to assault with a firearm, firing a firearm at certain inhabited dwellings, or brandishing a firearm in the presence of a peace officer, it would be a condition of probation or the suspension of the execution or imposition of sentence that the defendant be imprisoned for not less than 6 months and that if the defendant is convicted of violating provisions relating to brandishing a firearm it would be a condition of probation or the suspension of the execution or imposition of sentence that the defendant be imprisoned for not less than 3 months Such provisions would not apply in unusual cases where the interests of justice would be served by another disposition

Existing law provides that a person who has been convicted of a felony who owns or possesses a concealable firearm is guilty of a public offense punishable by imprisonment in the state prison or in a county jail, as specified

This bill would provide that a person who has been convicted of any of specified crimes relating to firearms who owns or possesses a concealable firearm is guilty of a public offense It would impose a minimum 6-month sentence in certain instances These provisions would apply to a juvenile prosecuted as an adult, as specified

Under existing law, any person who carries a concealed firearm without a license is guilty of a misdemeanor, but if the person has been previously convicted of a felony, or of certain crimes relating to firearms, the person is guilty of a felony

The bill would also impose a minimum 3-month term of imprisonment where a person is convicted of violating provisions relating to illegally carrying a concealed or loaded weapon and has previously been convicted of a felony, of certain crimes relating to firearms, or of specified misdemeanors involving the use of a firearm, as specified

The bill would incorporate additional amendments proposed by Assembly Bill 685, and Senate Bills 302 and 561, contingent upon their prior enactment, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute and would become operative 30 days thereafter.

Ch 137 (AB 49) Leonard Moreno Valley Unified School District. class size limitations.

(1) Existing law provides that if a school district maintains classes in which the number of pupils enrolled exceeds a certain number, the Superintendent of Public Instruction is required to decrease the reported average daily attendance of the district, as specified

This bill would authorize the Moreno Valley Unified School District to maintain specified class sizes for the 1981–82 fiscal year in kindergarten and grades 1 to 3, without invoking the penalty provisions, and would direct the Superintendent of Public Instruction to adjust the district's apportionment if the average class size of the district or the average number of pupils enrolled per class exceeds that prescribed by the bill

(2) The provisions of this bill would be repealed on June 30, 1982

(3) The bill would take effect immediately as an urgency statute

Ch. 138 (SB 1288) Davis Subpoenas refusal to obey

Existing law authorizes a subpoena or subpoena duces tecum to be issued by a court clerk or, if there is no clerk, a judge to compel the attendance of a witness. Existing law authorizes a court to punish as a contempt the refusal of a person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, but does not expressly authorize a court to punish as a contempt the failure of a person to obey a subpoena issued by the court clerk.

This bill would authorize a court to punish as a contempt the refusal of any person to obey a lawfully issued subpoena to attend a deposition or to be sworn as a witness.

Ch 139 (AB 2674) Agnos County central committees

Existing law prescribes the membership of Democratic and Republican county central committees in a county and city.

This bill would revise the membership of these central committees and would direct the registrar of voters to issue certificate of elections, following the June 8, 1982, Direct Primary Election, based on the provisions of the bill.

The bill would take effect immediately, as an urgency statute

Ch 140 (AB 611) Frazee School district reorganization

(1) Existing law makes extensive provision for the organization and reorganization of school districts, including the submission and verification of petitions to reorganize school districts, the conduct of public hearings, the approval and adoption of plans and recommendations, and elections to be held in accordance with specified provisions.

This bill would require that, the case of the transfer of territory from one district to another, if the transfer is opposed by the governing boards of one or more of the districts affected with an average daily attendance of 900 or less, the territory in which the election is held shall include the entire territory of the districts opposing the transfer The bill would require each district with an average daily attendance of 900 or less which is included in an election because of the objection of its governing board to the transfer to bear the additional cost of holding the election in that portion of its territory not otherwise included in the election.

This bill would specify that when a majority of the votes cast in a school district in which the governing board opposes the transfer of the territory and a majority of the votes cast in the entire territory in which the election is held are in favor of the reorganization, the proposal carries.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

Ch 141 (SB 70) Rains California Avocado Commission

(1) Existing law prescribes a procedure for winding up the operations of the California Avocado Commission, including a procedure to dispose of any moneys remaining held by the commission which were collected by assessment and are not required to defray the expenses of winding up and terminating operations These remaining moneys are required to be returned upon a pro rata basis to all persons from whom assessments were collected in the immediately preceding current marketing season unless the amounts are too small to make this procedure practical, in which case the funds are to be paid into the State Treasury as unclaimed trust moneys.

This bill would require that, if the operations of the commission are wound up, any asset of the commission be liquidated and the proceeds be disposed of in the same manner as any other remaining moneys

(2) Under existing law, avocados produced in California which are prepared for market must be certified as complying with the maturity and quality provisions established by regulations of the Director of Food and Agriculture

This bill would do the following

(a) Prohibit any person from harvesting, packing, handling, or selling avocados which are not in compliance with maturity and quality standards established by the director

(b) Specify a series of fees for certification and penalties for failure to obtain that certification

(c) Require persons who prepare avocados for market to notify the director prior to that preparation for inspection purposes

(d) Require handlers of avocados to maintain specified records

(e) Create an Avocado Inspection Committee with a specified membership and duties

(3) The committee would be authorized to use fees, for specified purposes, which are provided for the operation and enforcement of the laws relating to the California Avocado Commission, and the bill would thus contain an appropriation

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(5) The bill would take effect immediately as an urgency statute

Ch 142 (SB 561) Davis Weapons possession and use

(1) Existing law provides that a person who commits assault with a deadly weapon or instrument or by any means likely to produce great bodily injury is punishable by imprisonment in the state prison for 2, 3, or 4 years or in the county jail not exceeding one year, or by fine not exceeding $5,000, or by both fine and imprisonment When an assault of this type is committed upon a peace officer or fireman in the performance of his or her duties by a person who knows or should know that the victim is a peace officer or fireman in the performance of his or her duties, the offense is punishable by imprisonment in the state prison for 3, 4, or 5 years Also, upon conviction of any of these offenses, the court may order the confiscation and destruction of the weapon

This bill would provide that an assault with a firearm upon a peace officer or fireman by a person who knows or should know that the victim is a peace officer or fireman is

punishable by imprisonment in the state prison for 4, 6, or 8 years and would require the court to order the weapon or firearm to be confiscated and disposed of in all of these assault cases.

(2) Existing law makes it a misdemeanor to draw or exhibit a firearm or other deadly weapon in the presence of another in a rude, threatening manner, except in self-defense.

The bill would require the court to order firearms and deadly weapons used in the commission of that offense to be deemed a nuisance and disposed of and would provide that if serious bodily injury, as defined, is intentionally inflicted in the commission of that offense, the offense shall be punished as a misdemeanor or a felony.

(3) Existing law makes it a felony punishable by imprisonment in the county jail not exceeding 1 year or in the state prison for 16 months or 2 or 3 years to so draw or exhibit a firearm or other deadly weapon in the presence of a peace officer engaged in the performance of his or her duties

This bill would make it a felony punishable by imprisonment in the state prison for 2, 3, or 4 years for a person to draw or exhibit any firearm or other deadly weapon with the intent to resist or prevent the arrest or detention of himself or herself or another by a peace officer

This bill would further require the court to order a firearm or deadly weapon so used in the presence of or against a peace officer to be deemed a nuisance and disposed of.

This bill would also make these provisions requiring court-ordered disposal of the firearm or deadly weapon and the increased penalty for intentional infliction of serious bodily injury applicable to offenses of exhibiting or drawing a firearm which may be enacted by other specified bills.

(4) Existing law permits a peace officer to search any person he or she has legal cause to arrest for a dangerous weapon when he or she has reasonable cause to believe the person possesses a dangerous weapon

This bill would provide that if a peace officer has reasonable cause to believe that the person has a firearm or other deadly weapon with him or her in violation of any provision of law, the peace officer may detain the person to determine whether a crime related to firearms or deadly weapons has been committed. The bill would define reasonable cause for such purposes. The bill would specify that the peace officer has the authority to make a protective search for firearms or weapons pursuant to such a detention The bill would also specify that this provision does not authorize a detention or search of a person at his or her residence or place of business absent a search warrant or other reasonable cause. If the person searched owned any firearm or weapon seized and was convicted of a violation of any offense relating to the possession of the firearm or weapon, the firearm or weapon would be required to be disposed of as specified.

(5) Existing law provides for an increased prison term of 1 year for the personal use of a deadly or dangerous weapon in the commission or attempted commission of a felony.

This bill would instead provide for the imposition of an increased prison term of 1 year and would require the firearm or weapon to be deemed a nuisance and disposed of.

(6) Existing law provides for an increased prison term of 2 years when a firearm is personally used in the commission or attempted commission of a felony.

This bill would require the court to order the firearm, if owned by the person who so used it, to be deemed a nuisance and disposed of

(7) Existing law provides for the surrender to the county sheriff or police chief of weapons declared to be a nuisance. The weapons are then sold or destroyed in a specified manner. A firearm used in the commission of a misdemeanor or felony or attempted commission is, upon conviction of the defendant, a nuisance.

This bill would also provide that it is a conviction for the purposes of finding a firearm a nuisance if the person is found guilty of the commission or attempted commission of a misdemeanor or felony, but found insane at the time of the commission of the offense.

This bill would incorporate additional changes proposed by AB 269 in Section 12022 of the Penal Code to become operative only if this bill and AB 269 are both chaptered and become effective January 1, 1983, and this bill is chaptered after AB 269.

The bill would also incorporate additional changes proposed by SB 302, AB 685, or AB 846, in Section 245 of the Penal Code, to become operative as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 143 (SB 417) Montoya Presidential electors write-in votes

Existing law provides that whenever a group of candidates for presidential electors, as specified, files a declaration of write-in candidacy with the Secretary of State, the declaration may contain the name of the candidate for President of the United States and the name of the candidate for Vice President of the United States for whom all of those candidates for presidential electors pledge themselves to vote. There is no specific procedure applicable only to presidential write-in candidacies.

This bill would create a specific procedure applicable only to the write-in candidacy for presidential electors.

Ch. 144 (SB 419) Montoya. Independent nominations

Existing law prescribes the forms for nomination papers and affidavits used by candidates seeking the election to public office through the independent nomination procedure

This bill would make minor changes to these forms, but would permit county clerks to use obsolete forms in their possession on the effective date of this bill

Under existing law all nomination papers which are required to be filed in the office of the Secretary of State must be forwarded to that office by the county clerks

This bill would require these papers to be filed with the county clerks, and a certificate filed with the Secretary of State as to the signature count

Ch. 145 (SB 1089) Russell. Bail.

Existing law authorizes release of criminal defendants on bail, specified full deposits, or their own recognizance, and from January 1, 1981, until December 31, 1985, provides for release in misdemeanor cases upon a deposit of 10% of bail, and makes revised provisions for the release of defendants on own recognizance including provisions whereby persons in misdemeanor cases would be entitled to own recognizance release except upon a specified court finding

This bill would declare that it was the intention of the Legislature in enacting the provisions relative to release on 10% of bail that they shall not apply to felonies and that is presently the intention of the Legislature.

Ch 146 (SB 1154) Doolittle Republican county central committee

Under existing provisions governing the Republican county central committees, the nominee for or, in certain cases, the incumbent of, certain state or federal offices is entitled to ex officio membership to the committee.

This bill would specify that a person is generally entitled to ex officio membership to a county committee upon receiving a certificate of nomination

This bill would take effect immediately as an urgency statute.

Ch. 147 (AB 485) Cramer. Crimes.

(1) Existing law provides for the transfer of prosecutional authority for crimes committed by state prisoners from the district attorney to the Attorney General

This bill would revise this authority.

(2) Existing law provides for reimbursement of counties by the Department of Corrections for costs related to trials of prisoners for crimes committed in state prison.

This bill would transfer the responsibility for reimbursement to the Controller, and would provide additional criteria for the reimbursement

The bill would establish a claims procedure for such reimbursement

(3) The bill would appropriate $35,000 from the unencumbered funds appropriated to the Department of Justice by the Budget Act of 1981 to the Controller for the Controller's expenses incurred as a result of added responsibilities created by provisions of the bill.

(4) The bill would take effect immediately as an urgency statute

Ch 148 (AB 1311) Roos. Subdivided lands.

(1) Existing law exempts commercial and industrial subdivisions from the requirement of filing with the Real Estate Commissioner a notice of intention to subdivide lands

This bill would further exempt those subdivisions from all of the requirements imposed by the subdivided lands law.

(2) Existing law makes it unlawful for an owner, subdivider, or agent to sell or lease lots or parcels within a subdivision, as defined, that are subject to a blanket encumbrance, as defined, unless the blanket encumbrance is subject to a release clause. Existing law excepts from that provision the sale or lease of lots or parcels if, among other things, money paid by the purchaser or lessee is deposited in an escrow account, title to the subdivision is held in trust, a bond is furnished to the Real Estate Commissioner for the protection of the purchaser or lessee, or such other requirements as the commissioner deems acceptable

This bill would provide that a subdivider, his or her agent, or representative shall not sell, or lease for a term exceeding 5 years, any lot, parcel, or unit of a subdivision, as defined, that is subject to a blanket encumbrance, but which is exempt from the above provisions, unless the purchaser or lessee signs a specified notice The bill would make any person who willfully violates that provision liable for actual damages and subject to a fine.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) This bill would take effect immediately as an urgency statute

Ch. 149 (AB 2105) McAlister Workers' compensation.

Existing law provides that the claim of an employee for workers' compensation does not affect his or her claim or right of action for all damages proximately resulting from the injury or death against any person other than the employer. However, court decisions have held that negligent or wanton conduct does not afford a basis for liability to a policeman or fireman for injuries incurred by them in the course of their hazardous work.

This bill would provide that notwithstanding statutory or decisional law, any person who knows or should have known of the presence of a peace officer or fireman is responsible for any injury occasioned to the peace officer or fireman by willful acts or the want of ordinary care or skill

Existing law provides that an employer who becomes obligated to pay workers' compensation benefits or an amount to the Department of Industrial Relations in lieu of workers' compensation benefits may bring an action against a third person responsible for the injury or death.

This bill would specify that the court shall determine the respective rights against the third person of the heirs of an employee and the employer.

This bill would take effect immediately as an urgency statute.

Ch 150 (SB 203) Rains. Interest rate on judgments.

Existing law does not make specific provision for the award of prejudgment interest in personal injury actions.

This bill specifically provides that in a personal injury action the plaintiff may claim interest on the damages alleged from the date of service of process. The bill further provides that if the plaintiff makes an offer to compromise prior to trial which is not accepted and the plaintiff obtains a more favorable judgment, the judgment shall include interest at the rate of 10% per annum calculated from the date of the plaintiff's first offer to compromise which is exceeded by the judgment to the date of satisfaction of the judgment

These provisions would not apply to public entities or employees, as specified.

The California Constitution sets the rate of interest on judgments rendered in this state at 7% but authorizes the Legislature to set the rate at not more than 10% and to provide a variable rate The Legislature has not exercised this authority.

This bill would increase the interest rate on judgments to 10% per annum, and would declare that the Legislature reserves the right to change the interest rate at a later time to a rate of not less than 7% nor more than 10% and to apply the change in rate to interest accruing after the date of change regardless of the date of entry of the judgment.

Under existing law, a judgment creditor may apply for the entry of judgment based on a sister state judgment if certain requirements are met. Such a judgment includes the amount unpaid under the sister state judgment and interest accrued at the rate of interest applicable under the law of the sister state, but not in excess of 7%

This bill would eliminate the 7% limitation on interest accrued on the judgment under the law of the sister state. The bill would also provide that from the time of entry of a judgment based on a sister state judgment, interest shall accrue at the rate applicable to a judgment entered in this state

The bill specifies that it would apply to any rate of interest on a judgment entered on or after January 1, 1982, and to the rate of interest on and after January 1, 1982, on a judgment entered before January 1, 1982

The bill also makes related conforming changes

Ch. 151 (SB 1185) Johnson. Lis pendens: expungement

Under existing law, upon motion and a designated showing, a court may issue an order to expunge a recorded lis pendens. An order to expunge a recorded lis pendens is not effective and may not be recorded until the time within which a petition for a writ of mandate may be filed has expired.

This bill would provide that this provision of law imposes no duty upon the county recorder to determine that the requirements thereof have been met.

This bill would further provide that the amendments made to that provision do not constitute a change in, but are declaratory of, existing law.

Ch 152 (SB 1253) Dills Solid waste enterprises

Existing law authorizes a solid waste enterprise, which has been authorized by franchise, contract, or permit by a local agency to provide solid waste handling services and has provided those services for more than 3 years, to continue to provide those services for up to 5 years upon specified conditions

This bill would include those solid waste enterprises authorized by license by a local agency which have provided those services for more than 3 years in that provision.

The bill would take effect immediately as an urgency statute.

Ch. 153 (SB 754) Marks. Mortgage subsidy bonds.

(1) Generally, the interest on mortgage subsidy bonds is not tax exempt under federal tax law. The interest on qualified mortgage bonds, as defined by federal law, is tax exempt

Existing provisions of the Health and Safety Code require the Mortgage Bond Allocation Committee to designate areas of chronic economic distress, in conformity with specified provisions of federal law, according to certain criteria, and permit state and local agencies to recommend the designation of those areas to the committee.

This bill would add similar provisions to the Government Code.

(2) Under the existing provisions of the so-called "SB 99 Program" in the Community Redevelopment Law, redevelopment agencies may make loans to participating parties, as defined, through qualified mortgage lenders to finance, among other things, the construction of commercial structures and mixed residential and commercial structures which the redevelopment agency determines to be an integral part of a residential neighborhood.

This bill would prohibit a redevelopment agency from providing permanent long-term financing in excess of $5,000,000 for a commercial structure or a mixed residential and commercial structure authorized or approved by the agency's resolution on or before June 3, 1980, in furtherance of which the agency or any person or entity has expended substantial funds or committed to reimburse another who has expended substantial funds unless the agency adopted a resolution before January 1, 1981, approving and authorizing the sale of revenue bonds to provide the permanent long-term financing and the bonds were sold and delivered before March 1, 1981.

(3) Existing law establishes a method for allocating the amount of qualified mortgage

bonds which may be issued by state and local agencies

This bill would provide a different method for establishing the amount of such allocations among state and local agencies

(4) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 154 (AB 1264) Torres Health facilities· bed classifications.

(1) Existing law requires the State Department of Health Services to adopt regulations to define bed classifications, specified by the Legislature, for health facilities. Existing law does not provide for a category of bed classification which would permit a bed licensed for one purpose to be used for purposes of another classification, with limited exceptions

This bill would create a demonstration project, administered by the State Department of Health Services, which would provide for the designation of swing beds in specified circumstances. Swing beds would be beds licensed for general acute care which could be used, in specific circumstances, as beds for skilled nursing care. This bill would repeal these provisions January 1, 1985.

(2) Existing law authorizes the department to issue a special permit to a licensed general acute care hospital to offer special services, including cardiac surgery, under certain circumstances

This bill would require a cardiac surgery service to perform both cardiovascular procedures requiring extra corporeal coronary artery bypass and coronary arteriography including left ventriculography, with certain exceptions.

(3) This bill would take effect immediately as an urgency statute

Ch. 155 (AB 1294) Costa Housing. revenue bonds

(1) The Housing Finance Agency may issue revenue bonds to finance, among other things, housing to meet the housing needs of persons and families of low or moderate income

This bill, in addition, would, until January 1, 1984, authorize the agency to issue revenue bonds to make loans to housing sponsors for the construction or development of multifamily rental housing, including an authorization to finance the development of commercial property for lease in conjunction with the financing of multifamily rental housing units, and for the provision of capital improvements and related costs in connection with such rental housing under certain circumstances.

(2) Under Article XXXIV of the California Constitution, no low-rent housing project may be developed, constructed, or acquired by any state public body, without approval by vote of the appropriate electors. The Legislature has defined the words "develop, construct or acquire" to exclude certain activities.

The bill would provide a further exclusion, until January 1, 1984, of the financing of the low-rent housing projects discussed above

(3) Present law authorizes local governments to issue revenue bonds to provide mortgage financing for the purchase, construction, or improvement of homes for persons and families of low or moderate income The maximum household income for eligible borrowers under this program is not more than 120% of the median household income for mortgage for home improvement or, where the purchaser is the first occupant and upon resale, the maximum income is not more than 120% For a purchaser who will not be the first occupant, the maximum household income is not more than the median household income, except not less than 50% of the funds for mortgages cannot exceed 80% of this median household income, which may be increased to 90% under certain circumstances.

This bill would, until July 1, 1983, change these percentages so that not more than 150% of the median household income is for mortgages for home improvement or where the purchaser is the first occupant, and upon resale the maximum income is not more than 120% Until July 1, 1983, for a purchaser who will not be the first occupant, the maximum household income is not more than 120% of the median household income, except not less than 50% of the funds for mortgages cannot exceed that percentage, which may be increased to 110% under certain circumstances This bill would also authorize local governments which issued bonds after August 1, 1981, to elect to apply these provisions to mortgagors obtaining mortgages from the proceeds of such bonds. The bill, in addition, would authorize the proceeds of any such bonds issued before July

1, 1983, to continue to be used after that date for such mortgage financing under the higher percentages.

(4) This bill would take effect immediately as an urgency statute

Ch. 156 (AB 2033) Johnston. District hospitals

(1) Under present provisions of the California Health Facilities Authority Act, district hospitals are not eligble for loans thereunder.

This bill would make district hospitals eligible to obtain loans under the act for their health facilities

(2) This bill would take effect immediately as an urgency statute.

Ch. 157 (AB 2037) Kelley. Agricultural products donations· tax deductions.

Existing law has various provisions relating to the donation of food for purposes of personal and corporate income tax deductions for taxpayers who make such donations. These provisions were repealed on January 1, 1982

This bill would reinstate these provisions until January 1, 1983.

The bill would take effect immediately as a tax levy, and would become operative as specified.

Ch. 158 (AB 1989) Konnyu Voters citizenship.

Existing law requires the county clerks to undertake various programs for purposes of identifying and registering to vote qualified electors.

This bill would, with respect to the above-stated programs which involve any printed literature or media announcements, require a statement containing the following: "A person to register to vote must be a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the election".

This bill would take effect immediately as an urgency statute

Ch. 159 (AB 2175) La Follette. Geologist and geophysicist.

Existing law specifies the grounds for the reproval, suspension, or revocation of the certificate or temporary authorization of any geologist or geophysicist by the State Board of Registration for Geologists and Geophysicists.

This bill would add the commission of negligence in his or her practice to those grounds.

Ch. 160 (AB 2238) Agnos. Bedding labeling.

Existing law provides that all bedding with liquid filling material shall be clearly labeled with the name of the manufacturer.

This bill would instead require all bedding with liquid filling material to be clearly labeled in a manner approved by the chief of the Bureau of Home Furnishings

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 161 (AB 1167) Moore Parks· acquisition and development

(1) Under the Z'berg-Collier Park Bond Act and the California Parklands Act of 1980, moneys from the sale of bonds under those acts may be appropriated for, among other purposes, the acquisition, development, and rehabilitation of real property for the state park system.

This bill would amend and supplement the Budget Act of 1981 to appropriate $4,400,000 from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974 to the Department of Parks and Recreation for the acquisition and development of the Baldwin Hills project The bill would also eliminate a declaration that those funds be appropriated in the 1981–82 Budget for a local grant to the County of Los Angeles.

(2) The bill would also appropriate $46,451 to the department for allocation to the Department of Justice for settlement of a claim against the state, conditioned upon the

state receiving title to specified property used in connection with the operation of a state park

(3) The bill would take effect immediately as an urgency statute

Ch. 162 (AB 2303) Cramer Child abuse.

Under existing law, the identity of persons who report incidents of known or suspected child abuse is confidential and is disclosed only in specified civil and criminal proceedings, by court order, or between child protective agencies

This bill would revise the circumstances in which the identity of those persons may be disclosed in connection with civil and criminal proceedings and make a technical change.

It also would make a clarifying change with regard to the adoption of guidelines for specified instances of child abuse

This bill would also revise existing law relating to the maintenance by the Department of Justice of records of all reports of suspected infliction of physical injury upon a minor by other than accidental means and reports of specified related arrests and convictions to, instead, require the maintenance of an index of all preliminary reports of child abuse, as specified

It also would take effect immediately as an urgency statute

Ch. 163 (AB 2295) Herger. Special elections: petitions.

(1) Existing law requires a school district or community college district governing board, within a specified time, to order an election or make a provisional appointment to fill a vacancy in the governing board of the district If a provisional appointment is made, existing law permits the registered voters of the district to petition the county superintendent of schools for the conduct of a special election to fill the vacancy, as specified.

This bill would prohibit the use of the list of names on these petitions to be used for any purpose other than qualification of the petition for the purpose of holding a special election

(2) The California Public Records Act, among other things, provides that specified initiative, referendum, and recall petitions are not public records open to inspection by the general public. It provides for access to these petitions, upon approval of the appropriate superior court, by the Attorney General, the Secretary of State, the Fair Political Practices Commission, a district attorney, and a city attorney, as well as the proponents of the petitions, as defined, under certain conditions

This bill would include petitions for a special election to fill a vacancy on the governing board of a school district or community college district in the list of petitions not accessible by the general public This bill would also include in the definition of proponents of a petition the persons having charge of these petitions. This bill would add school district or community college district attorneys to the list of persons permitted to examine these materials upon court approval

Ch 164 (AB 2374) Cortese. Agriculture· neglected or abandoned crops.

Under existing law, neglected or abandoned crops may be treated as a nuisance and removed or destroyed upon specified findings by the county agricultural commissioner and the filing of a petition in the superior court by the district attorney.

This bill would require the commissioner to give written notice containing specified information to the record owner or person in charge of the property which contains the neglected or abandoned crops or plants before the commissioner transmits his or her findings to the district attorney. The commissioner would also be required to inform the owner that, unless the owner removes the nuisance within 60 days after the date of notice or within an agreed upon time, the findings of nuisance will be reported to the district attorney with specified consequences.

The bill would also authorize the board of supervisors to empower the county counsel in lieu of the district attorney to file the petition for removal or destruction of the neglected or abandoned crops or plants.

The bill would take effect immediately as an urgency statute.

Ch. 165 (AB 2160) Filante. Hazardous waste property

Existing provisions of the hazardous waste control law require the State Department of Health Services to regulate hazardous waste facilities, which are required to have a permit to operate from the department, through the imposition of restrictive covenants upon present and future uses of all or part of the land, except that, for land which has previously had a determination made on whether or not it should be designated or which is hazardous waste property regulated under a permit, if a significant new disposal of hazardous waste has occurred on, under, or into the land or significant new information about past disposal of hazardous waste on, or within 2,000 feet of, the land becomes known to the owner, lessor, or lessee of such land, the State Director of Health Services is required to conduct hearings in order to determine whether that land should be designated as hazardous waste property or border zone property.

Existing law permits the department, as a condition for a hazardous waste facilities permit, to require a restrictive covenant on the land subject to the permit or on adjacent land of the same owners The department is required to regulate certain hazardous waste property which has a hazardous waste permit, or an application therefor, by the restrictive covenant procedure.

Existing law also requires the director to issue orders, for land designated as hazardous waste property or border zone property, requiring the execution and recordation of a written instrument that imposes an easement on present and future uses of the land and the execution and service of a specified written instrument to accompany all lease or rental agreements relating to the land so designated.

This bill would eliminate the above exception for redetermination of a designation of certain hazardous waste property which has a hazardous waste permit or an application therefor from the redesignation requirement for land where a significant disposal occurs or within 2,000 feet of that land.

The bill would make other conforming amendments and would delete an erroneous cross-reference

The bill would take effect immediately as an urgency statute.

Ch. 166 (AB 2208) Duffy Health planning: hospital capital investment plans.

(1) Existing law requires that a certificate of need be obtained before undertaking specified health facility projects.

This bill would permit, on a pilot program basis, a consortium of hospitals or an individual hospital, as specified, to adopt a long-range hospital capital investment plan, known as a countywide plan, subject to approval by the Director of the Office of Statewide Health Planning and Development, as specified. The office would adopt guidelines, by regulation, for these plans, and procedures for projects undertaken by hospitals with approved plans. It would also exempt the projects undertaken under approved plans from specified statutes regulating business competition. It would provide that these projects may be excluded from obtaining a certificate of need for projects that the office director finds are substantially in conformance with an approved long-range hospital capital investment plan, that have received a certificate of planning compliance, as specified, and that are scheduled for commencement in an approved countywide plan, as specified.

This bill would require the office to submit to the Legislature an interim progress and status report on the pilot project prior to July 1, 1984, and an evaluation report on the pilot project prior to January 1, 1986.

(2) This bill would take effect immediately as an urgency statute.

Ch 167 (AB 614) Statham. Assault on a reserve peace officer.

Existing law makes it a felony for any person in the immediate presence of a peace officer to draw or exhibit any firearm, whether loaded or unloaded, in a rude, angry or threatening manner, if the person knows or reasonably should know that the victim is a peace officer engaged in the performance of his duties and the peace officer is engaged in the performance of his duties

This bill would also make such drawing or exhibition of a firearm in the immediate presence of a reserve or auxiliary sheriff or city police officer, or a deputy sheriff a felony.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 168 (AB 939) Felando Developmental disabilities day activity programs rates

Under existing law the State Department of Developmental Services is required to establish and maintain an equitable system of rates of payment to providers of residential and nonresidential services

This bill would require the State Department of Developmental Services to provide, within 6 weeks of the effective date of the bill, a written report to the Legislature showing its current procedure for establishing reimbursement for day programs. The bill would also require the State Council on Developmental Disabilities, in consultation with the Health and Welfare Agency, to conduct a study on alternative reimbursement mechanisms and report to the Legislature by January 1, 1983.

The bill would also define "infant day program" for the purposes of provisions on regional center rates for nonresidential services

This bill would take effect immediately as an urgency statute

Ch 169 (AB 2054) Frazee County property municipal improvements.

(1) Existing law authorizes a county board of supervisors to grant or convey an easement, license, or permit for the use of the county's real property by the state or another local governmental agency, or a public utility, upon terms and conditions determined by the board.

This bill would permit counties, by ordinance, to delegate this function to a county officer or officers.

(2) Existing law generally requires a county, in the sale or lease of surplus real property, to publicly advertise for bids and to sell or lease the property to the highest bidder An exception exists where the value of the property does not exceed $2,000, in which case the board of supervisors may dispose of the property on terms and conditions approved by the board, without soliciting bids

This bill would increase from $2,000 to $10,000 the value of property exempt from bidding requirements, and would allow a county board of supervisors to delegate to a county officer or officers the authority to execute the sale of the property so exempted

(3) Under existing law, a county may exclude from prescribed bidding procedures property to be leased for a duration not exceeding 1 year and having an estimated monthly rental not exceeding $400. The actual monthly rental of the lease may not exceed $500, and its term may not exceed 1 year, nor be renewable.

This bill would allow a county to exclude from the bidding procedures property to be leased for a duration not exceeding 5 years at an estimated or actual monthly rental not exceeding $1,000, and would allow a county board of supervisors to delegate to a county officer or officers the authority to execute leases of property so excluded.

(4) Existing law specifies monetary limits on the cost of changes which may be ordered by a local agency without a hearing on work being performed under contract for the local agency pursuant to the Improvement Act of 1911.

This bill would increase the specified monetary limits on the cost of changes which may be ordered without a hearing

Ch 170 (AB 419) Nolan Juvenile court law

This bill would create the Commission for the Revision of the Juvenile Court Law to prepare recommendations for the revision of the Arnold-Kennick Juvenile Court Law. It would require the submission of a report detailing these recommendations by January 1, 1984. The provisions of the bill would be operative only until January 1, 1984, and would be repealed on that date

It would encourage the California Council on Criminal Justice to make specified federal funds available for the purpose of the bill and would provide that the bill shall not become operative unless the funds are made available.

Ch. 171 (AB 1384) Kapiloff San Diego Unified Port District Commissioners.

Under the San Diego Unified Port District Act, the San Diego Unified Port District,

which is established, generally, for purposes of developing harbor and port facilities, is governed by a 7-member board of commissioners It provides for the appointment of the members of the board for terms of 4 years by designated city councils, and authorizes the removal of any commissioner from the board by ⅘ vote of the city council which appointed the commissioner. It authorizes the board to remove officers and employees appointed by it by the affirmative vote of 5 members of the board

This bill would, instead, authorize the removal of any commissioner from the board by a majority vote of the city council which appointed the commissioner, and authorize the removal of the officers and employees appointed by the board by the affirmative vote of the majority of the members of the board

Ch. 172 (SB 302) Holmdahl Crimes

Existing law provides increased punishment where the victim of a robbery was performing his duties as the operator of a streetcar, trackless trolley, or motor vehicle used for the transportation of persons for hire

This bill would provide increased punishment for additional specified crimes where the victim was the operator or driver of specified vehicles used for the transportation of persons for hire or a station agent or ticket agent for the entity providing such transportation The bill would make additional changes if AB 685 is also chaptered.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch 173 (AB 2157) Lockyer. Cattle brands.

Existing law requires persons who desire to brand their cattle to record the brand with the Bureau of Livestock Identification in the Department of Food and Agriculture, pay an initial application fee at the time of recording, and pay a renewal fee, as specified If the renewal fee is not paid by April 30th following the recordation of the brand, or by April 30th of the year which follows the last year for which the renewal fee has been paid, the right to use the brand is suspended as of April 1st of that year.

This bill would, until January 1, 1983, revise the dates on which the renewal fee shall be paid to June 30th following the recordation of the brand, or by June 30th of the year which follows the last year for which the renewal fee has been paid. If the renewal fee is not paid, the right to use the brand would be suspended as of June 1st of that year.

The bill would take effect immediately as an urgency statute.

Ch 174 (SB 600) Maddy Punitive damages

Under existing law, an employer may be liable for punitive damages based upon acts of an employee in certain circumstances, including where the employer had advance knowledge of the unfitness of the employee and employed him or her with a conscious disregard of the rights or safety of others, or authorized or ratified the wrongful conduct With respect to a corporate employer, ratification must be on the part of an officer, director, or managing agent

This bill would specify that with respect to a corporate employer, the advance knowledge and conscious disregard, authorization, or ratification of wrongful conduct of an employee giving rise to liability for punitive damages must be on the part of an officer, director, or managing agent

Ch 175 (SB 764) Watson Nursing

Under existing law, the Budget Act of 1981 provides funding from the Board of Registered Nursing Fund for support of the Board of Registered Nursing.

This act appropriates an additional $189,000 from the unencumbered balance of the Board of Registered Nursing Fund for support of the Board of Registered Nursing.

The act would take effect immediately as an urgency statute

Ch. 176 (SB 1240) A Garcia. Cemeteries

Under existing law, a cemetery authority operating a private cemetery, with certain exceptions, is required to keep a record of the ownership of all plots in the cemetery which have been conveyed by the cemetery authority and of all transfers of plots in the cemetery. Under existing law, the transfer of any plot, or any right of interment, is not complete or effective until recorded on the books of the cemetery authority.

This bill would restate this provision to provide that the transfer of any plot or any right of interment shall be effective when it is recorded on the books of the cemetery authority.

Ch 177 (SB 1242) Alquist. Transit districts and operators bidder rating railroad rolling stock.

Under existing law, the San Francisco Bay Area Rapid Transit District ~~and the Southern California Rapid Transit District are~~ [is]* required to let contracts exceeding $10,000, [and the Southern California Rapid Transit District is required to let contracts exceeding $25,000,]* to the lowest responsible bidder. Other transit districts are subject to competitive bidding requirements for contracts exceeding specified amounts

This bill would authorize any transit district or operator to adopt uniform standards to rate, on the basis of questionnaires and financial statements, bidders on contracts for railroad rolling stock and to limit bidding and award of those contracts to only those bidders which the district or operator has determined are qualified to bid The bill would require the district or operator to qualify at least 2 persons or entities for bidding on those contracts

The bill would permit a district or operator to require prospective bidders on any contract to answer questions in a standard questionnaire and financial statement verified under oath

Ch 178 (SB 1295) Petris Jury Service Exemption judges.

Existing law provides for the excuse of a person from jury service where such service would entail undue hardship on the person or the public served by the person, as well as a categorical exemption from jury service for peace officers, but there is no such exemption for judges.

This bill would provide a categorical exemption from jury service for active judges of courts of record

Ch 179 (SB 1897) Maddy Horseracing 21st District Agricultural Association.

Existing law authorizes the California Horse Racing Board to allocate an additional 21 days of racing to the 21st District Agricultural Association to be conducted by a person other than the district agricultural association

This bill would require the association conducting that racing meeting to deduct an additional 1% of its parimutuel pools for commissions and an additional 2% of its exotic parimutuel pools for commissions and purses equally

The bill would take effect immediately as an urgency statute

Ch. 180 (AB 761) Lancaster Credit unions

Under existing law, a credit union organized and duly qualified as a credit union in another state may become a credit union organized and operating pursuant to California law if, among other things, it has obtained insurance for its members' share accounts, as specified

This bill would require the credit union to obtain insurance or a guaranty for its members' share accounts

Existing law provides that unless the bylaws of a credit union expressly reserve any or all of specified duties to the members, it shall be a special duty of the directors to, among other things, recommend amendments to the bylaws

This bill would instead provide that it shall be a special duty of the directors to amend the bylaws except where membership approval is required

Existing law permits every credit union to issue shares to any qualified member Shares may be issued in coownership to a member and any person designated by the member.

This bill would define "coownership" as including, but not limited to, joint tenancy, tenancy in common, or community property forms of ownership The bill would also make technical changes

Ch. 181 (AB 1191) Katz Attorneys

Existing law provides that with the approval of the Supreme Court, the Board of Governors of the State Bar may formulate and enforce rules of professional conduct for all members of the bar in the state The board is empowered to discipline members of the State Bar for a willful breach of any of the rules by reproval, public or private, or to recommend to the Supreme Court the disbarment or suspension from practice of a member of the bar An existing rule of professional conduct prohibits an attorney from performing legal services for a client if he or she lacks the education and skills to properly perform the services unless he or she associates or, when appropriate, professionally consults another attorney who possesses the requisite learning and skills, as specified.

This bill would require that whenever a reversal of a judgment in a judicial proceeding is based in whole or in part upon misconduct, incompetent representation, or willful misrepresentation by counsel, the court that ordered reversal of the judgment shall cause the matter to be reported to the State Bar of California for investigation with regard to the appropriateness of initiating disciplinary action against the attorney, as specified The bill would also require the court to notify the attorney that the matter has been referred to the State Bar

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 182 (AB 2341) McAlister Escheat

Existing provisions of the Probate Code provide that if a decedent leaves no one to take his or her estate, then the estate generally escheats to the state The Probate Code also provides that benefits from a trust established under an employee benefit plan or similar plan shall not escheat to the state but shall be returned to the employee benefit plan, except as specified. However, provisions of the Code of Civil Procedure provide that certain employee benefit distributions shall not escheat to the state if the plan contains a forfeiture provision, but would escheat to the state in certain other circumstances where the owner cannot be located within seven years

This bill would specify that the provisions of the Probate Code do not provide for the escheat of property consisting of benefits under an employee or similar plan which has not been terminated, but that the property is subject to escheat or other distribution under the provisions of the Code of Civil Procedure

Ch 183 (AB 2431) Cortese Water conservation districts

Under existing law, districts organized under the Water Conservation District Law of 1931 are required to hold organizational meetings of the board of directors on the last Friday in November following each general district election, and to hold regular meetings of the board on the first Tuesday in March, June, September, and December The regular meeting day, however, may, by resolution of the board, be changed to any other day in those months.

This bill would require the organizational meeting to be held at the next regularly scheduled meeting of the board following the general district election, but in no event later than the last day of November, would permit the board by resolution to increase the frequency and number of regular meetings, and would make related changes

Ch 184 (SB 782) Keene. Fish and game.

(1) Existing law requires the Director of Fish and Game to appoint a Klamath and Trinity Salmon Restoration Advisory Committee The expenses of committee members incurred in the performance of their official duties are payable by the Department of Fish and Game from the Fish and Game Preservation Fund

This bill would instead require that the department pay those expenses from funds available to the department

The bill would make an appropriation by authorizing a new use for previously appropriated funds

(2) Existing law requires the Director of Fish and Game to promulgate regulations to conform state law to the fishery management plan prepared under federal law by the Pacific Fishery Management Council

This bill would require the director to hold a hearing in the area of the fishery affected not less than 4 days after the approval by the Secretary of Commerce of the plan or an amendment thereto. The director would be required to take evidence at the hearing on the impact of the regulations on specified topics regarding fishery resources and to report to the Legislature on the reasons for the regulations.

(3) Existing law requires every person who desires to take salmon for commercial purposes to obtain a commercial fishing license from the department at a fee of $40 and to obtain a commercial salmon fishing license stamp at a fee of up to $30

The bill would, until January 1, 1987, increase the fee for the salmon stamp by $55 and would provide for further increases up to $215 under a specified formula based on the commercial salmon landings in the prior season The funds collected would be deposited in a special account in the Fish and Game Preservation Fund to be appropriated annually by the Legislature for salmon restoration programs

(4) Existing law requires persons who desire to take salmon commercially to obtain a commercial salmon permit from the Department of Fish and Game Three types of persons are qualified to obtain this permit.

(a) A natural person with a commercial fishing license who, from 1974 to 1979, has landed at least 1 salmon sold for commercial purposes or has directly assisted a person who landed at least 1 salmon for commercial purposes.

(b) A natural person who, from 1974 to 1979, has made a substantial investment in becoming a commercial salmon fisherman

(c) A natural person who purchased a commercial salmon permit valid through December 31, 1981

This bill would repeal the provisions setting forth conditions under which persons could qualify to obtain a permit pursuant to (a) and (b) above and provide that a qualified individual also means a natural person who holds a commercial salmon permit which was approved by the Commercial Salmon Fishing Appeals Board on or before April 13, 1982

(5) The bill would take effect immediately as an urgency statute.

Ch. 185 (AB 549) Ryan Commuting time

(1) Existing law defines a day's work as 8 hours of labor unless otherwise expressly contracted

This bill would expressly except from the definition of a day's work the time spent in commuting to and from the first place at which an employee's presence is required by the employer [when commuting]* in the employer's vehicle used for the purpose of ridesharing, as defined

~~This~~ [The]* bill would specify that nothing in these provisions shall be construed to affect, change, or limit an employer's liability under the workers' compensation law

(2) Chapter 46 of the Statutes of 1982 excepts the transportation of persons, as specified, in a specified vehicle used for the purpose of ridesharing, when the ridesharing is incidental to another purpose of the driver, from the prohibition of transporting another person on an individual fare basis It also excludes that transportation from the definition of passenger stage corporation [and of charter-party carrier of passengers]* for purposes of regulation of those corporations [and carriers]*.

This bill would make these exemptions inapplicable if the primary purpose for the transportation of those other persons is to make a profit For this purpose, "profit" is defined to exclude the actual costs incurred in owning and operating a vanpool vehicle, as defined in Chapter 46 of the Statutes of 1982

Ch. 186 (AB 2663) Vicencia. Horseracing

(1) Existing provisions of the Horse Racing Law contain statutory maximums on the number of racing weeks that may be allocated to an association by the California Horse Racing Board

This bill would delete an obsolete provision authorizing the board to allocate racing dates in 1981 in excess of the statutory maximums

(2) Under the Horse Racing Law, parimutuel wagering on horseracing may be conducted only by a person licensed to conduct a horserace meeting and only within the inclosure and on the dates for which horseracing has been authorized by the California Horse Racing Board

This bill would authorize the board to authorize an association conducting a racing meeting to accept wagers on out-of-state feature races with a gross purse of more than $100,000 under certain conditions All deductions from parimutuel pools on out-of-state feature races would be the same as deductions from other parimutuel pools at the racing meeting The association would be required to pay the same license fees After payment of license fees and contractual payments to the out-of-state host racing association, the remaining deduction would be distributed 50% as commissions and 50% as purses, with 13.33% of the purses required to be paid as owners' premiums for California-breds.

(3) The bill would take effect immediately as an urgency statute

Ch 187 (AB 2331) McAlister. Holographic and nuncupative wills

Existing law requires a holographic will to be entirely written, dated, and signed by the handwriting of the testator

This bill would require that only the signature and material provisions of the will shall be in the handwriting of the testator. This bill also would provide that if a holographic will and another will, as defined, conflict and the holographic will does not contain a statement as to the date of its execution and if that failure results in doubt as to which will controls, the holographic will would be invalid to the extent of the inconsistency, unless other evidence can establish the date of the holographic will's execution to be after the date of execution of the other will

If the holographic will does not contain an execution date and if it is established that the testator lacked testamentary capacity at any time while the will might have been executed, this bill would provide that unless the testator's testamentary capacity can be established at the time the will was executed by other evidence, the will would be invalid

Existing law authorizes the use of nuncupative (oral) wills, in limited situations, to dispose of personal property not over $1,000 in value.

This bill would delete the statutory authority for nuncupative wills.

These provisions would apply only to wills of persons who die on or after January 1, 1983

This bill would also make a technical change in a provision chaptered in 1982, but not yet effective, concerning the termination of marital deduction gifts in trust

Ch 188 (AB 1234) Leonard Schools community colleges· classified employees

(1) Under existing law, a merit (civil service) system for classified employees may be terminated by an election called when the governing board of a school district or community college district receives a petition from qualified electors, as specified, calling for termination of the system

This bill would also provide for termination if this petition is received by the county board of education

This bill would also create an alternative method by which the merit system may be terminated by permitting the classified employees to petition to the governing board of a school district, community college district, or the county board of education for termination, as specified, upon which the governing board or county board shall hold an election, as specified, for classified employees to determine if the system shall be terminated

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of

making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 189 (SB 1332) Foran. Department of Transportation. appropriation

(1) Item 266-001-042 of the Budget Act of 1981 (Ch 99, Stats 1981, as amended by Ch 169, Stats. 1981) appropriated $519,638,574 from the State Highway Account in the State Transportation Fund to the Department of Transportation for its support for various highway transportation purposes in amounts as specified.

This bill would appropriate $18,300,000 from the State Highway Account to the department in augmentation of Item 266-001-042 for those highway transportation purposes.

(2) Item 266-301-042 of the Budget Act of 1981 appropriated $91,500,000 from the State Highway Account to the department for capital outlay for various highway transportation purposes in amounts as specified.

This bill would appropriate $59,000,000 from the State Highway Account to the department in augmentation of Item 266-301-042 for those highway transportation purposes

(3) The bill would take effect immediately as an urgency statute.

Appropriation· yes.

Ch 190 (AB 3706) Thurman Victims of crime.

Item 872-001-214 of the Budget Act of 1981 appropriated $14,575,579 from the Indemnity Fund for support of the State Board of Control, to be transferred to Item 872-001-001 for payment of claims and services pursuant to the Victims of Violent Crimes Act.

This bill would appropriate an additional $2,500,000 from the Indemnity Fund for expenditure in the 1981–82 fiscal year in augmentation of, and for the purposes of, that appropriation

This bill would take effect immediately as an urgency statute

Ch 191 (AB 2445) Kelley Cotton pests abatement districts.

(1) Existing law does not provide for cotton pests abatement districts These districts were provided for in the law from 1968 to 1975

This bill would [enact the Cotton Pests Abatement District Act to]* provide for the formation, organization, and dissolution of cotton pests abatement districts in the Counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura. Each district would be administered by ~~an appointed~~ [a]* board of directors [initially appointed, and subsequently elected,]* and have specified powers and duties generally relating to the abatement of cotton pests, including the authority to charge fees for permits to plant cotton in the district The county agricultural commissioner of the county in which any district is situated would be authorized to supervise and direct all inspection, eradication, fumigation, and other activities undertaken by the district, and, alternatively, the board of directors would be authorized to employ a manager to carry out those activities If a district is formed, the district would be required to reimburse the county for specified services performed which are related to district formation or dissolution If a district is not formed, petitioners for the formation of a district would be assessed a fee by the commissioner to defray costs incurred as a result of duties performed by the commissioner under the act which are preparatory to the formation of the district

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) The bill would take effect immediately as an urgency statute

Ch 192 (AB 1950) Sher. Depositions.

Existing law requires a deposition to be taken stenographically and transcribed into a written or printed form unless the parties agree otherwise and authorizes a deposition to be videotaped if the notice of taking the deposition states that the deposition will be videotaped.

This bill, in addition, would authorize a party to videotape a deposition if all parties agree that the deposition will also be videotaped, provide that the stenographic transcript of the deposition shall constitute the official record of the deposition; authorize a court, when the deposition was also videotaped, to permit the original videotape to be played at a court proceeding other than an appeal, upon a showing of good cause; and specify obligations and rights regarding the retention and discard of, and access to, the videotape

The bill would also permit the Judicial Council to adopt rules concerning the use of videotaped depositions in court.

Ch. 193 (AB 606) D Stirling Writs

Under existing law, pleadings relating to writs of mandate differ from pleadings in other civil actions. Among other things, the application for a writ is to be accompanied by proof of service upon other parties. The other parties may respond within 5 days, and further, may make a return by demurrer or answer or both on specified dates.

This bill would provide that where an application for a writ of mandate is made and no alternative writ is sought, proof of service need not accompany the application, but shall be filed prior to a hearing or action by the court It would provide that where an application is made in that manner an answer or response would be required within 30 days, except that where a copy of the record of the proceedings to be reviewed has been requested and not filed with the petition, the answer or response shall be made within 30 days after receipt of a copy of the record.

The bill would make related changes regarding the filing of the administrative record

The bill would take effect immediately as an urgency statute

Ch 194 (AB 2222) Herger Trade names protection of container brands

Under existing law, relating to the protection of trade names, an individual is prohibited from using or trafficking in any container bearing a brand, unless the individual is, among other things, the owner of the brand which has been filed and published, the registrant or person who filed and published the brand, or a person who has acquired the container by purchase or other lawful means, or who has the consent of the owner of the brand An individual may, for a specified fee, file a brand in and receive a certificate of filing from an appropriate county clerk's office or the office of the Secretary of State A violation of the provisions pertaining to the registration of containers bearing a brand and the regulation of their use, including the general prohibition against using or filling of any container with any substance, may be punishable, for the first offense, by a fine of 50 cents for each container unlawfully used or trafficked in, and for each subsequent offense, by a fine of not less than $1 nor more than $5, for each container unlawfully used or trafficked in. Any registrant whose containers, among other things, are involved in any violation may sue the violator for treble replacement costs, as specified, and costs of suit, but may not sue one who obtained possession of the containers pursuant to a contract with the registrant for the delivery of agricultural commodities, unless the person has failed to return the containers within 10 days after receipt of a demand by the registrant to do so.

This bill would no longer require a brand to be published in order for it to receive trade name protection under the law, would no longer provide that the brand may be filed in a county clerk's office, and would generally prohibit the possessing as well as the using or filling of any container with any substance In addition, the bill would increase the fines which may be imposed for violations of the provisions relating to the registration and regulation of use of containers to $50 for a first offense, and to not less than $50 nor more than $100 for each subsequent offense and would provide that an action to impose such fines as well as an action to collect treble replacement costs may not be brought against an individual who obtained possession of the containers pursuant to a contract with the registrant for the delivery of agricultural commodities, unless the person has failed to deliver the containers to the point of delivery within 10 days after receipt of a demand by the registrant to do so This bill would make conforming changes as well

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 195 (AB 1827) Naylor. Income taxes.

Existing Personal Income Tax Law imposes a tax based on taxable income, which is derived from subtracting various deductions and exclusions from gross income. Various credits are authorized against that tax.

This bill would define the term "earned income" for purposes of the credit for the elderly and would make other changes to that law

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, if in connection with certain corporate organizations and reorganizations there is a transfer of certain property by a United States person to a foreign corporation, for purposes of determining the extent to which gain shall be recognized on such transfer, a foreign corporation is not to be considered to be a corporation unless, pursuant to a request filed within a prescribed time, it is established to the satisfaction of the Franchise Tax Board that such exchange is not in pursuance of a plan having as one of its principal purposes the avoidance of income taxes.

This bill would authorize the Franchise Tax Board to prescribe the time in which that request is to be filed.

Under existing Personal Income Tax Law, gain from the sale of a taxpayer's old residence is only recognized to the extent that the adjusted sales price of the old residence exceeds the taxpayer's cost of purchasing the new residence for purposes of computing income taxes, if a new residence is purchased or constructed by the taxpayer within an 18-month period prior to, and an 18-month period following, the date of that sale

This bill would suspend for a specified period of time the 18-month period during any time that the taxpayer has a tax home, as defined, outside the United States after the date of the sale of the old residence

Under existing law, an individual is not required to file a declaration of estimated tax if 80% or more of the adjusted gross income for the taxable year consists of wages subject to a specific provision of law relating to withholding of tax on wages

This bill would make that exclusion from such requirement inapplicable if the employee files a false or fraudulent withholding exemption certificate for the taxable year.

Under existing Personal Income Tax Law, a statute expressly provides that provisions requiring declarations of estimated taxes do not apply to an estate, trust, or nonresident.

This bill would repeal that statute

Under the existing Bank and Corporation Tax Law, if any tax is finally adjudged illegal in whole or in part, the Franchise Tax Board is required to recompute for and as of the taxable year for which this illegal tax was computed

This bill would repeal that provision.

Under the existing Personal Income Tax Law, certain scholarship and fellowship grants are excluded from taxable income

This bill would provide that certain grants from the federal government involving the performance of future services shall be so excluded

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, a charitable contribution deduction is allowed for the contribution of certain interests in real property exclusively for conservation purposes, as defined

This bill would define the term "qualified conservation contribution" for purposes of that law and make various other changes to that law.

Under the existing Bank and Corporation Tax Law, a newly organized corporation may elect to treat its organizational expenditures as deferred expenses and deduct them ratably over a period of not less than 60 months.

This bill would also permit a similar election for startup expenditures, as defined, under the Personal Income Tax Law

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law,

special rules relating to such matters as amortization and depreciation deductions are applicable to certified historic structures and to certain low-income rental housing Those provisions apply only for specified periods of time which expire on various dates in 1981

This bill would extend the various dates in which those provisions are to apply for 3 more years

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, no deduction is allowed for the expenses of an individual attending more than 2 conventions in a foreign country

This bill would instead provide that no deduction is allowed for any expenses incurred for a convention, seminar, or similar meeting held outside the North American area, as defined, unless the taxpayer establishes that the meeting is directly related to the active conduct of his or her trade or business or to an income-producing activity It would also provide that no deduction is allowed for any expenses incurred for a convention, seminar, or similar meeting held on any cruise ship

Under the existing Personal Income Tax Law and Bank and Corporation Tax Law, a deduction generally is not allowed for the cost of entertainment, amusement, or recreation unless it is directly related to the active conduct of a trade or business.

This bill would provide, with certain exceptions, that expenses paid or incurred by the taxpayer for goods, services, and facilities shall not be disallowed as a deduction to the extent that the expenses are includable in the gross income of a recipient of the entertainment, amusement, or recreation who is not an employee of the taxpayer as compensation for services rendered or as a prize or award

Under existing law, every employer is required to withhold personal income tax from wages, as defined, of an employee.

This bill would provide for the withholding of tax on payments of sick pay, as defined, in a prescribed manner.

Under existing law, certain homeowners' associations are exempt from the Bank and Corporation Tax Law

This bill would make various changes to that law

Public Laws 96-605 and 96-613 and the Economic Recovery Tax Act of 1981 enacted by Congress made various changes in the federal income tax law provisions including, among other things, changes to laws relating to individual retirement accounts, pensions, money purchase plans, stock bonus plans, cafeteria plans, and employee stock ownership plans

This bill would revise specified provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law to conform them to certain changes in those federal income tax laws

This bill would provide in a prescribed manner for the deductibility of employer contributions to certain foreign deferred compensation plans

This bill would also make various technical changes to the state tax laws

The bill would take effect immediately as a tax levy, but its operative date would depend on when the bill takes effect

Ch 196 (SB 424) Carpenter Postsecondary education California Mathematics Project

Existing law vests the authority to manage and control the University of California in the Regents of the University of California

This bill would provide for the establishment of a California Mathematics Project by the regents The project would be administered jointly by the California State University and Colleges and the University of California, and would seek to solve the mathematics skills problem of students in California by cooperatively planned and funded efforts It would require that the resource center policy board of each resource center have the opportunity to review and comment on mathematics project applications, and that the California Postsecondary Education Commission provide specified information to the Legislature concerning this project

This bill would be operative, and apply to the University of California and the California State University and Colleges, only for such times as the Legislature has appropriated funds therefor and the regents have accepted such funds

This bill would reappropriate any general funds made available under a specific item

in the general support appropriation for the University of California in the Budget Act of 1981 for support of the California Mathematics Project in the 1981–82 fiscal year

This bill would specify that the level of program implementation in the 1981–82 fiscal year is to be determined by the amount reappropriated and, in subsequent fiscal years, by the amount appropriated in the annual Budget Act.

This bill would take effect immediately as an urgency statute

Ch. 197 (AB 2353) Vicencia Instruments acknowledgment

Under existing law, an officer may not acknowledge an instrument unless he or she knows or has satisfactory evidence, on the oath or affirmation of a credible witness, that the person making the acknowledgment is the individual who is described in and who executed the instrument Existing case law holds that reliance on paper identification, such as a driver's license, is not sufficient evidence for the identification of an individual and an officer who relies on paper identification could be found liable of negligence.

This bill would instead prohibit the acknowledgment of an instrument unless the officer taking it either personally knows the individual executing the document, as defined, or has satisfactory evidence that the person making the acknowledgment is the individual who is described in and who executed the instrument and would define "satisfactory evidence" to include the oath or affirmation of a credible witness, or certain documentary evidence.

This bill also would provide for the revision of certificates of acknowledgment in accordance with these new provisions. A party filing an action for damages based on an officer's failure to establish the identity of the individual making the acknowledgment would have the burden of proof in establishing the officer's negligence.

The bill would take effect immediately as an urgency statute.

Ch 198 (SB 1051) Mello. Elections.

(1) Under existing law, the Governor is required to issue an election proclamation between the 91st and the 84th day prior to the election.

This bill would, with respect to each statewide election, require the proclamation to be issued no later than the 148th day prior to the election.

(2) Existing law requires legislative measures to appear on the ballot of the first statewide election occurring after 131 days after the adoption of the measure.

This measure would require these measures to appear on the ballot of the first statewide election occurring at least, rather than after, 131 days after the adoption of the measure.

(3) Existing law requires nomination documents for the primary election to be delivered to the county clerk for filing not less than 88 and not more than 113 days prior to the direct primary

This bill would specify that nomination documents which are not filed with the Secretary of State shall be filed in the office of the county clerk on the 83rd day before the primary election

Ch 199 (SB 955) Stiern. Drivers' licenses identification. verification.

Existing law authorizes the Department of Motor Vehicles to require documentary evidence to verify the age and identity of an applicant for an identification card.

This bill would provide that the department may verify the identity of an applicant through United States census records even though the date and month of birth are not included as to any person born prior to 1916

This bill would specifically declare it is unlawful for an applicant to knowingly declare to the department, in writing, that no birth certificate exists when the certificate exists

Ch 200 (SB 137) Alquist Courts of appeal

Existing law specifies the annual salaries of the clerks of the courts of appeal in the First, Second, Third, Fourth, and Fifth Appellate Districts.

This bill would specify the annual salary of the clerk of the court of appeal in the Sixth Appellate District.

Ch 201 (SB 420) Montoya Municipal referendum measures

Existing law does not specify the form in which municipal referendum petitions are to be submitted

This bill would specify the title to be printed at the top of each page of the referendum petition, require that each section of the referendum petition contain an identifying number or title and text of the ordinance made subject to the referendum, specify the form of the petition, and require circulators of the petition to state the circulator's voting address.

Ch 202 (SB 1281) Boatwright County Employees Retirement Law of 1937: benefits

(1) The County Employees Retirement Law of 1937 presently includes service with specified public agencies for purposes of discontinuance of member contributions after 30 years of service.

This bill would provide that the provision is applicable to service before or after March 7, 1973, make it applicable to a county only after the board of supervisors has, by adopting a resolution, approved its application, and declare that these changes are declaratory of existing law Under existing law, the matter would be subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provision contained in the bill for which state reimbursement is required

Ch 203 (SB 1492) Holmdahl Municipal utility district rates and charges.

Existing law provides a validation procedure for any public agency authorized to use the procedure whereby the public agency or an interested person may, within 60 days after the existence of any matter, bring an action in the superior court to determine the validity of the matter.

This bill would specifically permit a municipal utility district or any interested person to institute such a validation proceeding, as to a change by the district in its rates or charges for the commodities or services furnished by it, within 120 days of the effective date of the district's ordinance resolution, or motion fixing the rates or charges

Ch 204 (SB 834) Watson Health birth problems, cancer

(1) Existing law vests in the State Department of Health Services certain powers and duties relating to the health, safety, and welfare of the people of this state

This bill would authorize the department to specify a system for the collection of information concerning birth defects, stillbirths, and miscarriages, as specified The system would include reporting of birth defects, stillbirths, and miscarriages and authorize the director to require general acute care hospitals to make available to department staff medical records of those patients who have been diagnosed with birth defects, stillbirths, or miscarriages The bill would provide that the information would be confidential, as prescribed

The bill would also make various findings and declarations

(2) The bill would appropriate, without regard to fiscal years, $725,000 to the department and $150,000 to the Hazard Evaluation System and Information Services for the purposes of this act, as specified.

(3) The bill would take effect immediately as an urgency statute

Ch. 205 (AB 2003) Cortese. Local agency formation commissions

Existing law provides for the establishment of a local agency formation commission in each county consisting, generally, of 5 members, or 7 members when a commission is augmented to provide special district representation

Under existing law, with exceptions made for counties in which there is no city or only

1 city, a 5-member local agency formation commission consists of 2 members representing the county, 2 members representing cities in the county, appointed by a city selection commission, and 1 member representing the general public. Existing law makes special provision for a 7-member commission in Los Angeles County.

This bill would make special provision for a local agency formation commission in the County of Santa Clara. In that county, the local agency formation commission would consist of 2 members representing the county, 1 member representing the largest city in the county, appointed by the city council, 1 member representing cities in the county, 1 member representing the general public, and specified alternate members

Ch 206 (AB 283) Hart. Schools. proficiency standards

(1) Under existing law, the Commission for Teacher Preparation and Licensing is prohibited from issuing initially any credential, permit, or certificate to any person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills pursuant to the requirements of existing law. Existing law requires that the Superintendent of Public Instruction adopt an appropriate state assessment instrument to measure proficiency in these skills.

This bill would authorize the commission to exempt specified persons from the basic skills proficiency test requirement. This bill would require the superintendent to adopt the state assessment instrument by December 31, 1982

(2) Existing law authorizes the Commission for Teacher Preparation and Licensing to collect a fee to be charged to individuals for the costs of the administration of the state basic skills assessment instrument in an amount not to exceed $30 Existing law specifies that an individual who passes a proficiency test in basic skills in another state shall be considered to meet the proficiency requirements under state law only if the commission determines that the test covers the same skills as the state assessment instrument and that the test is equivalent to the state instrument in difficulty.

This bill would authorize the commission to receive a fee not to exceed $30 in the 1982–83 fiscal year for the costs of administering the state basic skills instrument, and would specify that the fee shall be $35 in the 1983–84 fiscal year, and $40 in each subsequent fiscal year.

This bill would require the commission to adopt rules and regulations governing the administration of the state basic skills assessment instrument before January 1, 1983, and would exempt these rules and regulations from specified provisions of existing law. This bill would require the state basic skills assessment instrument to be administered in accordance with the adopted rules and regulations

(3) Existing law authorizes the commission to issue an internship or a preliminary credential to an applicant, pending completion of any examination requirement by the applicant within the time limit, not to exceed 1 year, set by the commission.

This bill would repeal the provisions of existing law and would instead authorize the commission to issue a preliminary or internship credential, for a period not to exceed 1 year, to any applicant who is (1) seeking a vocational designated subject credential or (2) pending the completion of any test required by the commission other than the state basic skills proficiency test

(4) Under existing law, commencing March 1, 1982, no certificated person may be hired initially to serve in any school district on a permanent, temporary, or substitute basis, unless the person has demonstrated proficiency in specified basic skills in the English language Existing law specifies that if a certificated person does not pass a proficiency assessment in basic skills, as specified, he or she shall be given 1 additional opportunity to be reassessed, with failure to pass an assessment on the second opportunity constituting grounds for dismissal under specified procedures

This bill would, commencing February 1, 1983, prohibit any school district governing board from hiring on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency, as specified, or is exempt from that requirement.

This bill would authorize school district governing boards, with the authorization of the commission, to administer the state basic skills proficiency test.

This bill would state the legislative intent that in implementing the provisions of this bill, school district governing boards shall direct superintendents of schools to prepare

for emergencies by developing a pool of qualified emergency substitute teachers, as specified.

This bill would specify that a certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification qualification in another school district within 39 months prior to employment with the district. This bill would specify that if the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration

This bill would specify that the holder of an adult education designated subject credential for other than academic subjects, employed in an instructional setting for 20 hours or less per week, shall not be required to pass the state proficiency assessment as a condition of employment

(5) Under existing law, commencing on March 1, 1982, no person employed and assigned to work in an instructional setting shall receive compensation for work as an instructional aide or a teacher's aide unless the person has demonstrated proficiency in specified basic skills.

This bill would specify that commencing March 1, 1982, no person shall be initially hired and assigned to assist in instruction as an instructional aide or a teacher's aide for instructional purposes unless he or she meets these requirements

Existing law requires that instructional aides and teacher's aides not demonstrating a proficiency in these basic skills be given 2 years to master these skills and 1 additional opportunity to be reassessed prior to being subject to dismissal under specified procedures. Existing law authorizes the school district governing board, at a public meeting, to grant an exemption to this requirement to any person, for a period of up to 1 year, if the board deems that the exemption is in the best interest of the pupils enrolled in the district Existing law authorizes the board to extend this 1-year exemption 2 times, specifying that no individual may be exempted from these requirements for more than 3 years Existing law specifies that these provisions are not applicable to instructional aides or teacher's aide receiving 2 consecutive annual satisfactory performance evaluations which include, among other things, assessment of specified basic skills

This bill would repeal these provisions and would authorize the board, at a public meeting, to grant an exemption to these requirements to any person, for a period of up to 1 year, if the person is to be assigned as a bilingual-crosscultural aide and the board determines that there is no other person available to serve in the same capacity This bill would require that upon or prior to the expiration of the 1-year period, the bilingual-crosscultural aide shall be required to take and pass the basic skills proficiency test This bill would specify that a bilingual-crosscultural aide who has not demonstrated his or her proficiency through these means may not be compensated as a bilingual-crosscultural aide This bill would specify that a bilingual-crosscultural aide may only be granted 1 exemption. This bill would provide that the authority of district governing boards to grant these exemptions is to cease on June 30, 1985

This bill would specify that an instructional aide or teacher's aide who passes a district proficiency test and who transfers to another district and is employed in the same capacity, shall be considered to have met the proficiency in basic skills requirements unless the district to which he or she transfers determines that the test taken by the aide is not comparable to the standards required by the employing district

(6) Existing law requires the governing board of each school district to adopt proficiency standards in basic skills, as specified, and requires the adoption of differential proficiency standards for pupils enrolled in special education programs who have diagnosed learning handicaps or disabilities that preclude their attaining the district's standards Other provisions of existing law require that separate standards of proficiency shall be established for reading comprehension, writing, computation skills and any other skill area or areas designated by the governing board

This bill would specifically require the adoption of differential standards and assessment procedures for pupils enrolled in special education programs which shall include, but need not be limited to, reading comprehension, writing, and computation skills.

This bill would specifically provide that the provisions of current law relating to differential standards and assessment procedures shall apply to pupils enrolled in the 9th grade, or the equivalent thereof, during the 1977–78 school year or any school year

thereafter

(7) Under existing law, no pupil shall receive a diploma of graduation from high school unless he or she has completed the course of study prescribed by the governing board, including the completion of specified required courses of study.

This bill would authorize the governing board of any school district maintaining a high school to confer honorary high school diplomas upon foreign exchange students from other countries who have not completed the course of study ordinarily required for graduation, and who are returning to their home country following the completion of 1 academic school year in a school district in the state This bill would specify that these honorary high school diplomas shall be clearly distinguishable from the regular diplomas of graduation awarded by the district

(8) Under existing law, school districts submitting an application for designated federal funds or state funds are required to include a comprehensive compensatory education plan, as specified

This bill would specify that whenever a districtwide school advisory committee on compensatory education programs or a school advisory committee on compensatory education programs has been established pursuant to a compensatory education plan, the procedures for the selection of the membership of the advisory committees shall specify that parents shall constitute a majority of the membership and shall require that the parent representatives be elected by the parents of pupils participating in a program of compensatory education

This bill would authorize a school advisory committee on compensatory education to designate a school site council established pursuant to specified provisions of existing law to function as the school advisory committee on compensatory education for all purposes required by applicable statutory provisions and regulations for a period of up to 2 years.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(10) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(11) This bill would take effect immediately as an urgency statute.

Ch 207 (AB 884) Thurman Fiscal affairs

(1) Existing law, among other things, provides that when the General Fund in the State Treasury is or will be exhausted, the Governor may order the direct transfer of all or any part of the money not needed in other funds or accounts to the General Fund from such funds or accounts as determined by the Pooled Money Investment Board. Existing law also provides that no interest shall be charged or paid on the moneys transferred unless the amount transferred exceeds a specified sum

This bill would require that interest be paid on all moneys transferred to the General Fund pursuant to the above provisions from the Department of Food and Agriculture Fund and the Acala Cotton Fund

(2) Prior to the enactment of Chapter 115 of the Statutes of 1982, interest earned and other increments derived from investments in the Surplus Money Investment Fund was apportioned by the Controller to the General Fund, various special funds, and all other funds

Chapter 115 of the Statutes of 1982 requires that the interest on all other funds be allocated to the General Fund

This bill would instead require that the interest earned by certain governmental cost funds, as determined by the Controller and Director of Finance, for the period January 1, 1982, through June 30, 1982, inclusive, be transferred to the unappropriated surplus of the General Fund

(3) Existing law authorizes a loan of $20,000,000 from the State Emergency Telephone Number Account in the General Fund to the General Fund without interest

This bill would instead revert $20,000,000 in the account to the unappropriated surplus of the General Fund, and state that it is the intent of the Legislature that funds will be appropriated to replenish the account in whatever amount, up to $20,000,000, and at whatever times the funds are needed

(4) Existing law provides for the reversion of the unencumbered balance of the reappropriation made by Item 430-490 of the Budget Act of 1981.

This bill would revert $200,000, rather than the unencumbered balance, of the reappropriation

(5) Existing law provides for the transfer to the unappropriated surplus of the General Fund of $1,000,000 of the interest earned on the appropriation made by subdivision (a) of Section 50740 of the Health and Safety Code, which refers to the Rental Housing Construction Fund.

This bill would change the above reference to the Rental Housing Construction Incentive Account of the Rental Housing Construction Fund (rather than subdivision (a) of Section 50740).

(6) Existing law provides for the reversion of up to $9,136,000, as specified, with respect to a particular program, from category (a) of Item 610-101-001 of the Budget Act of 1981

This bill would include another program

(7) Existing law provides for the transfer of funds from the Stephen P. Teale Data Center Revolving Fund to the General Fund to repay a previous loan made from the General Fund, plus interest, and for the transfer of funds from the budgets of agencies which have contracted for services with the data center the amounts contracted for in the current fiscal year.

With respect to the transfer of funds from the budgets of agencies which have contracted for services, this bill would provide that the Department of Finance may transfer to the revolving fund, from any funds budgeted for data processing which were appropriated in the 1981–82 fiscal year to any agency which has contracted for services with the center, whatever amounts may be necessary to alleviate any cash flow problems arising as a result of the loan repayment

(8) Under existing law, the Controller is prohibited from transferring any money into the State School Building Lease-Purchase Fund prior to July 1, 1982, and the $200,000,000 which otherwise could be transferred to the fund prior to July 1, 1982, is required to be considered a loan to the General Fund without interest

This bill would, instead, revert $147,200,000 of the funds appropriated to the State School Building Lease-Purchase Fund by Section 4 of Chapter 288 of the Statutes of 1980, and transfer $52,800,000 from the State School Building Lease-Purchase Fund, to the unappropriated surplus of the General Fund

(9) Under existing law, $128,150,000 from 6 specified funds is authorized for transfer to the General Fund

This bill would authorize the Director of Finance, during the 1981–82 fiscal year, to make transfers between 4 of the 6 funds in amounts necessary to maintain a positive balance in each of the funds

(10) The bill would appropriate, operative July 1, 1982, $200,000,000 to the State School Building Lease-Purchase Fund. The bill would also appropriate a specified amount from the Elevator Safety Account and the Pressure Vessel Account to, and in augmentation of, Item 835-001-001 of the Budget Act of 1981, for administration of the elevator safety program and the pressure vessel safety program.

(11) The bill would provide for severability of any invalid provisions.

(12) The bill would take effect immediately as an urgency statute

Ch 208 (SB 929) Garamendi. Mental health study medical screening.

Under existing law, there is no study being done for the purpose of effectively planning and implementing statewide policies for the most appropriate and cost-effective diagnosis and care of psychiatric patients with previously unrecognized organic conditions or diseases.

This bill would require the State Department of Mental Health to conduct a Special Project for Medical Evaluation for such purpose, require the department appoint an

advisory committee to assist in drafting a request for proposals, selecting contractors, and in monitoring the research contracts and would provide guidelines for the study

This bill would authorize the expenditure for this study of $700,000 appropriated by the Budget Act of 1981 for purposes of a medical evaluation project

This act would take effect immediately as an urgency statute

Ch. 209 (SB 913) Sieroty Child care and development.

(1) Under existing law, the Child Care and Development Services Act is administered by the State Department of Education and the Superintendent of Public Instruction. Chapter 798 of the Statutes of 1980 revised, reorganized, and expanded the act.

This bill would make certain corrections and conforming changes in that chapter The bill in addition would conform the definition of "handicapped children" to federal law.

(2) Under the act, the State Department of Health Services and the State Department of Education are required to meet monthly to plan for the delivery of migrant health services.

This bill instead, would require the departments to meet on a regular basis for that purpose

(3) Under the act, the Superintendent of Public Instruction is required to increase reimbursement rates for services only for specified reasons, including the threat of closure because of financial insolvency.

This bill would delete that reason

(4) Under the act, reimbursement factors apply to the special needs of specified children of any age, including handicapped children, severely handicapped children, or children at risk of neglect, abuse, or exploitation.

This bill would limit such services to those children 0 to 14 years of age The bill would also define eligible families to include certain families with medical or psychiatric special needs and delete a strict income standard from the first priority for services

(5) Under the act, the State Department of Education may fund certain innovative programs, as defined.

This bill would expand the definition of innovative programs

This bill would also extend for 1 year certain reports to the Legislature by the Department of Education and the Legislative Analyst

(6) Under existing law, the Department of General Services is required to approve contracts by state agencies for, among other things, supplies and services The department may exempt from the approval transactions involving not more than $25,000 Under existing law, the Superintendent of Public Instruction is required to contract for child care and development services and property, and facilities relating to those services.

This bill would authorize, rather than require, the superintendent to enter into such contracts and only after obtaining an annual approval from the Department of General Services and the Department of Finance as to the form and general content thereof

This bill would also authorize the Superintendent of Public Instruction to develop unique reimbursement rates for certain programs receiving state funds during the 1980–81 fiscal year and serving severely handicapped children

(7) Under existing law, $4,000,000 is appropriated from the Special Account for Capital Outlay for the purposes of capital outlay, as defined, for the 1980–81 fiscal year to support services as provided in the act, including 2% of the contract amount to a contracting agency for renovation and repair to meet health and safety standards

This bill would authorize the appropriation to be used for such purposes without regard to fiscal year The bill would also authorize the contracting agency to borrow 2% or $2,000, whichever is greater, for renovation or repair.

(8) Existing law requires that any unspent child development funds allocated to provider agencies be carried over by the State Department of Education into the next fiscal year, and redistributed among ongoing provider agencies for certain materials or one-time only services.

This bill would authorize the carryover funds to also be used for reimbursement rate increases and would establish priorities for the redistribution of these carried-over funds

This bill would also require alternative payment program fund balances to be deposited in a contingency fund to be used to reimburse for certain additional services costs.

(9) Existing law authorizes certain startup costs for child development agencies.

This bill would include programs initially funded in the 1978–79 and 1979–80 fiscal years in those provisions.

(10) Existing law requires counties to maintain a certain minimum level of expenditures for child development services. Existing law also requires state child development funds to supplement, not supplant the county expenditures.

This bill would delete the latter requirement and provide that county maintenance of effort funds be considered unrestricted funds for child development programs.

(11) Under existing law, free or reduced-price meals are provided to needy children by school districts and county superintendents of schools Under the Budget Act of 1981, funds are allocated for food programs to eligible needy children

This bill would require that reimbursement be made to family day care homes for 75% of the meals served. These provisions would be retroactive to July 1, 1981

(12) Existing law establishes staffing ratios and group size standards for center-based programs which will remain in effect until July 1, 1981

This bill would require these standards to remain in effect until the operative date of the regulations of the Superintendent of Public Instruction establishing staffing ratios and group size standards.

(13) Under existing law, only persons holding specified regular permits are authorized to be employed in a child care and development program.

This bill would authorize teachers employed in child care and development programs immediately prior to July 28, 1980, who continue to be so employed on and after that date to be deemed to hold such permits provided he or she meets permit requirements by January 1, 1982, and validates and ratifies the employment of such teachers between July 28, 1980, and the effective date of this bill.

(14) The Budget Act of 1981 appropriates a specified amount for allocation to school districts and other eligible agencies for certain child development programs and provides methods for allocating different portions of this amount

This bill would substitute a different method for distribution of the amount made available by the Budget Act of 1981 for unallocated inflation

(15) This bill would also require the State Department of Education to continue to contract with the described child development program authorized under former alternative child care provisions under certain circumstances. These provisions would be repealed July 1, 1983

(16) This bill would take effect immediately as an urgency statute

Ch 210 (SB 1358) Vuich Cattle inspection and fees

(1) Existing law requires that specified fees be charged and collected for the inspection and identification of cattle. The funds generated from these fees are ultimately credited to the Department of Food and Agriculture Fund, a continuously appropriated fund.

This bill would, among other things, increase certain of these fees and modify the requirements for when an inspection shall be performed

(2) Existing law authorizes the Director of Food and Agriculture to lower cattle inspection fees upon specified findings.

This bill would also, until June 30, 1984, authorize the director to raise these fees by an amount not to exceed 20% of their statutory levels upon the recommendation and with the ⅔ consent of the Livestock Identification Advisory Board

(3) The bill would require the department to develop a surveillance patrol program to assist in the detection and apprehension of persons involved in cattle theft

(4) The bill would take effect immediately as an urgency statute.

Ch. 211 (AB 2746) Costa. School districts. special election costs

Chapter 539 of the Statutes of 1981, among other things, authorized a special election on December 22, 1981, regarding the formation or reorganization of school districts. Existing law provides that the cost related to elections regarding the formation or reorganization of a school district, as specified, is a charge against the general fund of the county

This bill would provide that the cost related to special elections regarding the formation or reorganization of a school district that were held pursuant to Chapter 539 of the Statutes of 1981 is a permitted expenditure of the general funds of school districts

affected by such an election

The provisions of this bill would remain in effect only until January 1, 1983.

This bill would take effect immediately as an urgency statute.

Ch 212 (AB 2722) Frizzelle. Nonvehicular air pollution diesel pile driving hammers.

Existing state law prohibits discharge into the air of air contaminants of a specified shade or opacity. Air pollution control districts and air quality management districts are authorized to establish additional, stricter standards.

This bill would prohibit the State Air Resources Board or a district from establishing standards for emissions of visible smoke from diesel pile driving hammers which are more stringent than standards prescribed in state law.

The provisions of the bill would be repealed December 31, 1986, unless a later enacted statute, which is chaptered on or before December 31, 1986, deletes or extends that date.

Ch. 213 (AB 2703) Thurman School employees. sex offense

Existing law defines the term "sex offense" as used in specified provisions of the Education Code which establish the grounds for the denial or revocation of a teaching credential, for the revocation or suspension of a certificate issued by a county board of education, and for denial of employment or suspension of a school employee. That definition does not include rape where the victim is incapable, through temporary or permanent lunacy or unsoundness of mind, of giving legal consent to the act of sexual intercourse; and it does not include rape accomplished by means of force or fear of immediate and unlawful bodily injury on the victim or another person.

This bill would include both forms of rape in the definition

Ch. 214 (AB 2662) Ingalls. Vehicles: liquified petroleum or natural gas.

Under existing law, all vehicles which carry liquified petroleum gas fuel or natural gas in a tank attached to a vehicle in any concealed area are required to display the letters "CNG," "LNG," or "LPG," whichever type fuel is utilized, in block letters at least 1 inch high, as near as possible to the area of the tank. It is unlawful, after January 1, 1983, to dispense that fuel into any tank in a concealed area of any vehicle registered in California, unless the vehicle complies with these requirements.

This bill would permit any vehicle fueled by liquified petroleum gas fuel or by natural gas to also comply with this requirement by displaying on each side of the vehicle words or letters at least 0 25 inches high indicating that the vehicle is fueled by liquified petroleum gas or natural gas.

Ch. 215 (AB 2565) D. Brown. Glazing materials and standards

Existing law makes it unlawful to knowingly install any glazing material other than safety glazing material, as defined, which meets a specified test requirement established by the American National Standards Institute, in a hazardous location, as defined, in a residential, commercial, or public building.

This bill would, instead, require that glazing materials comply with standards established by the 1982 edition of the Uniform Building Code or comparative requirements which the local building department may approve

The bill would take effect immediately as an urgency statute.

Ch. 216 (AB 2534) Johnston. Schools: contracts.

Existing law requires the county superintendents of schools and the governing boards of school districts, prior to contracting for personal consulting services, other than legal services and services for the fiscal audit provided by a private auditing firm, to examine the abilities of certain employees to provide the services and to comply with specific procedures prior to the execution of the contract.

This bill would require that the superintendent of schools of each county, in considering contracts for personal consulting services, except services provided directly to students in a classroom setting for less than $200 per day, and for a total amount not to exceed $500 per year per individual contractor, legal services, or services for the fiscal audit provided by a private auditing firm, examine the abilities of certain specified employees to provide the services, identify those employees who are qualified to perform the services, and comply with specific procedures.

It would also require the superintendent of any school district, in considering any contracts for personal consulting services, with the above specified exceptions, to examine the abilities of certain specified employees to provide the services, including those identified by the county superintendent of schools in that particular county as being qualified to do so, and to comply with specific procedures.

Ch. 217 (AB 2483) Young. Vehicles equipment

Under existing law, warning lamps and sirens are prohibited on vehicles except as otherwise permitted or required.

This bill would permit ambulances or firetrucks, used solely for demonstration purposes in the sales work of a licensed dealer, distributor, or manufacturer, or operated on a highway for delivery to a purchaser, to be equipped with warning lamps and sirens. This bill would, however, require that the warning lamps be removed or covered with opaque material and the siren controls disabled when the vehicle is upon a highway.

Ch. 218 (AB 2367) Wray Municipal elections

Existing law specifies that unless otherwise required or authorized, a general municipal election shall be held on a specified date at which time candidates will be elected for certain city offices. The law also specifies that those elected for certain city offices shall hold office for 4 years from the Tuesday succeeding their election, and until their successors are elected and qualified.

This bill would require that all elective city offices, rather than certain city offices, shall be filled by the city electorate at a general municipal election The bill also would provide that the city officers holding elective city office shall hold office for their prescribed terms, instead of 4 years, from the Tuesday succeeding their election and until their successors are elected and qualified.

Existing provisions of the Government Code allow a city council to provide, by ordinance, for the conduct of its general municipal election on the day of a regularly scheduled statewide election or on the day of school district elections, subject to the approval of the board of supervisors. The provisions, further, provide that if a general municipal election is held on the same day as a statewide election or the same day as a school district election, those elected city officers whose 4-year terms of office would have, prior to the adoption of the ordinance, expired on the Tuesday succeeding the second Tuesday in April of an even-numbered year, shall, instead, continue in their offices until no later than the 4th Tuesday after the day of the general municipal election

This bill would limit the authority of the board of supervisors to deny an ordinance adopted by a city council; and it would apply the above-mentioned provisions of the Government Code to all city officers elected or appointed to fill positions regardless of their terms of office, rather than city officers elected for 4-year terms of office. It would prohibit a term from being increased or decreased by more than 10 months.

The bill also would require the city officers to continue in office until their successors are elected and qualified, in addition to continuing in office until the 4th Tuesday after the day of the general municipal election It would state that a notice must be sent to the voters informing them that an officeholder's term of office will be changed, rather than a notice which states that the terms will be extended and no terms will be decreased.

The bill also would provide that if a general municipal election is consolidated with a statewide election, as described above, Section 23302 of the Elections Code requiring the submission of certain information to the board of supervisors and county clerk shall not apply

The bill would also require at least 1 election to be conducted on the revised election day before later amendments or repeals could be adopted changing the election date

Ch. 219 (AB 1008) Johnston Credit unions.

Existing law provides that a credit union is prohibited from charging more than the higher of 15% per annum simple interest or 6% per annum simple interest plus the rate established by the Federal Reserve Bank of San Francisco on advances to member banks, as specified, on the unpaid balance for any loan, including all charges incident to the making of the loan

This bill would eliminate these interest rate limitations and would provide instead,

that the interest rate on loans shall be determined by the board of directors of the credit union from time to time

Existing law requires that the interest rate on a loan made by a credit union remain in effect until the loan is repaid or until a further advance is made pursuant to an open-end loan agreement

This bill would provide that the interest rate on a loan made by a credit union may be decreased but shall not be increased during the term of the loan or pursuant to an open-end loan agreement, until a further advance is made, unless otherwise provided in the loan agreement

Ch. 220 (AB 369) Deddeh Taxation inheritance and gift tax

Under existing law, certain qualified real property, as defined, is valued in a prescribed manner for purposes of the Inheritance Tax Law if the decedent was at the time of death a citizen or resident of the United States and the executor elects the application of these provisions prescribing valuation for that property

This bill would additionally require, for estates of decedents dying on or after January 1, 1983, that the executor file an agreement signed by each person in being who has an interest in that property consenting to the application of the aforementioned provisions

Under existing law, a transferee owing taxes under the Inheritance Tax Law may pay the tax in certain cases by offering open-space land or historical property to the Secretary of the Resources Agency in satisfaction of all or part of this obligation. If the offer of the land is accepted, the secretary is obliged to certify this fact to the county treasurer.

This bill would require the Secretary of the Resources Agency to forward the certification to the Controller, rather than to the county treasurer. The Controller would be required to accept the certification in payment of taxes or other amounts due

Under existing law, certain payments of the proceeds obtained by executing a writ and certain notices are made to the county treasurer.

This bill would delete this responsibility of the county treasurer and have the function performed by the Controller

Under existing law, a bank which is authorized to open and remove the contents of a safe deposit box is required to file a copy of the inventory with the county treasurer.

This bill would repeal that requirement to file a copy with the county treasurer.

This bill would also delete certain other references to the county treasurer in laws relating to the inheritance tax.

Ch. 221 (AB 137) Imbrecht Natural resource information.

Under existing law, the Department of Conservation has various duties and powers regarding natural resources in the earth

This bill would authorize the department, through the California Resource Information system and as budgetary resources permit, to provide informational assistance to local agencies in the development of geobased natural resource information systems to assist local agencies in securing that information from state agencies. The bill would also require local agencies requesting assistance to reimburse the department for identifiable costs incurred by the department in providing the assistance

Ch. 222 (SB 1421) Presley. School property· willful failure to return

Existing law provides that the parent or guardian of a minor is liable to a school district or private school for all property loaned to the minor by the school district or private school and not returned upon authorized demand, and for property of a school district or private school willfully damaged by the minor, as specified. The school district or private school is authorized to, after affording the pupil his or her due process rights, withhold the grades, diplomas, or transcripts of the pupil responsible for the damage to school property until the pupil or the pupil's parent or guardian has paid for the damages.

This bill would, in addition, authorize a school district or private school, to withhold the grades, diplomas, or transcripts of a pupil who willfully fails to return loaned school property upon authorized demand after affording the pupil due process rights and until the pupil or the pupil's parent or guardian has paid for the loaned property.

This bill would also require a school district or private school to notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding

the pupil's grades, diploma, or transcripts.

Ch. 223 (SB 1309) Johnson. Schools: regional occupational centers or programs: Lassen Regional Occupational Program.

Existing law prescribes a method of determining an adult education block entitlement for school districts which maintain educational programs for adults. A maximum block entitlement is also prescribed which, among other things, limits the adult average daily attendance to be funded in the current fiscal year to a specified percentage of the 1979–80 fiscal year adult average daily attendance The Lassen Regional Occupational Program served no adults in the 1979–80 fiscal year.

This bill would prescribe a method of determining an adult education block entitlement for each school district participating in the Lassen Regional Occupational Program for the 1981–82 fiscal year. The bill would appropriate a sum not to exceed $14,360 from the General Fund for the purpose of funding this block entitlement for the 1981–82 fiscal year.

This bill would require that an adult education block entitlement be determined pursuant to existing law for each school district participating in the Lassen Regional Occupational Program for the 1982–83 fiscal year and each fiscal year thereafter, and would limit to a specified amount the sum of the adult average daily attendance of the participating districts in the Lassen Regional ~~Occupation~~ [Occupational]* Program used to compute the block entitlements in the 1982–83 fiscal year.

This bill would take effect immediately as an urgency statute.

Ch. 224 (SB 342) Presley Riverside County: registrar of voters

Under existing law, various duties pertaining to elections are performed by the county clerk. The county clerk is an elective office, unless the voters of the county have approved a proposal to make the office appointive. A county may also provide for an office of registrar of voters.

The law presently provides that in Monterey County, a registrar of voters may be appointed by the county board of supervisors, to discharge all duties vested by law in the county clerk which relate to and are a part of the election procedure.

This bill would extend similar authority to Riverside County.

Ch. 225 (SB 235) Campbell. Republican presidential electors.

Existing law specifies who the presidential electors are for the Republican Party.

This bill would provide that Senators, Representatives, and persons holding an office of trust or profit of the United States, may not be a presidential elector.

Ch. 226 (SB 1109) Greene. Employees: retraining and placement.

Under existing law, the Employment Development Department is required to administer all job training and placement programs and services for eligible persons under the Unemployment Insurance Code. The department also is required to develop statewide and area plans to coordinate the job training and placement programs.

This bill would enact additional provisions requiring the department, in conjunction with the Chancellor of the Community Colleges, the State Department of Education, the Department of Economic and Business Development, and the State Department of Industrial Relations, to prepare a plan for the implementation of occupational transfer and retraining programs and services for displaced workers

The bill would take effect immediately as an urgency statute, would become operative only if funds are appropriated in the annual Budget Act for purposes of the bill, except as specified, and would be repealed on January 1, 1988.

Ch. 227 (AB 976) Bergeson School employees: administrative services credentials.

Existing law establishes minimum requirements individuals must satisfy before obtaining a services credential with a specialization in administrative services

Chapter 100 of the Statutes of 1981 establishes 2 sets of credentials for administrative services: a preliminary services credential with a specialization in administrative services and a professional services credential with a specialization in administrative services, to be effective July 1, 1982 Chapter 100 also establishes minimum requirements for obtaining these credentials, and sets forth certain requirements relating to each.

This bill would enable individuals possessing services credentials with a specialization in clinical or rehabilitative services to meet the minimum requirements for obtaining a preliminary services credential with a specialization in administrative services

It would also give candidates formally enrolled in an administrative services credential program before the effective date of the new minimum requirements until June 30, 1984, to complete their training by meeting the previous requirements for the credential

The bill would take effect immediately as an urgency statute and become operative July 1, 1982

Ch 228 (AB 1449) Moore Fiscal affairs federal funds

Existing law creates a block grant advisory task force, which is required to perform functions, as specified, concerning the receipt and distribution of federal funds by the state

This bill would change the membership of the task force by adding 6 new members, by requiring that the membership include, as specified, 1 person who is disabled, 1 person who is over the age of 55, and 1 person who is an American Indian, and by increasing the representation of members of populations served by categorical programs or of board members of private nonprofit organizations serving categorical populations

Existing law provides for the receipt and distribution of federal block grants by the state

This bill would reallocate funds, as specified

The bill would take effect immediately as an urgency statute

Ch. 229 (AB 2494) Floyd Bail security

Current law provides that in lieu of a deposit of money for bail, the defendant or any other person may deposit bonds of the United States or of the State of California of the face value of the cash deposit required, or the defendant may give as security any equity in real property which he owns.

This bill would provide that any person other than the defendant may give as security, in lieu of a deposit of money for bail, any equity in real property which he or she owns, provided, that no charge is made to the defendant for so doing

Ch 230 (AB 2514) Bosco. Air pollution. open outdoor fires

Under existing law, the governing board of an air pollution control district may authorize the use of open outdoor fires by a city or county, under specified conditions, to dispose of nonindustrial wood waste from trees, vines, and brush at disposal sites located above 1,500 feet elevation

This bill would, in addition, authorize the use of open outdoor fires in these cases at any elevation in the area designated as the North Coast Air Basin by the State Air Resources Board.

Ch. 231 (AB 2515) Wray Vocational training and employment. minors.

Existing law permits minors between 16 and 18 years of age enrolled in work experience programs approved by the State Department of Education or conducted by private schools to work after 10 p m but not later than 12 30 a m under certain specified conditions.

This bill would extend this authorization to include minors between 16 and 18 years of age enrolled in cooperative vocational education programs approved by the State Department of Education.

Ch 232 (AB 2602) Wyman Local agencies hydroelectric power

(1) Under existing law, districts organized pursuant to the Community Services District Law are not generally authorized to provide for the generation of hydroelectric power

This bill would authorize the Willow Creek Community Services District to construct, install, own, maintain, or operate hydroelectric power generating facilities, and transmission lines for the conveyance thereof, by adoption of that power by a resolution of the board of directors entered in the minutes. The bill would require the facilities to be operated in a manner consistent with the district's storage, transmission, and distribution of domestic and irrigation water, and would provide for related matters. The bill would make legislative findings and declarations in that connection.

(2) Under existing law, the Antelope Valley-East Kern Water Agency is created by special act and is vested with specified powers.

This bill would authorize the agency to construct, maintain, improve, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof.

The bill would permit the plants to be leased for operation, or the power generated to be sold, to a public utility or public agency engaged in the distribution, use, or sale of electricity, and would specify the purposes for which the Antelope Valley-East Kern Water Agency could use the power.

Ch. 233 (AB 2547) Vicencia. Loans.

Existing law provides that the Consumer Finance Lenders Law does not apply to loans which are made or arranged by a licensed real estate broker and secured by liens on real property, or to any licensed real estate broker.

This bill would specify that a licensed real estate broker may make a loan secured by a lien on real property for sale to a consumer finance lender or arrange for such a loan to be made by a consumer finance lender without obtaining a license pursuant to the Consumer Finance Lenders Law

Under the Consumer Finance Lenders Law, a loan that is secured by a lien on real property may not be secured by a lien on personal property as well

This bill would create an exception to this provision for an assignment of rents in a mortgage or deed of trust.

This bill would take effect immediately as an urgency statute.

Ch. 234 (AB 553) Berman. Health.

(1) Existing law requires each county mental health program to establish a quality assurance system, as defined, that covers all county operated and county contracted mental health facilities and programs. The quality assurance system is required to include utilization review of all Short-Doyle funded patient services, an interdisciplinary peer review system of the quality of patient care, and a medication monitoring system for Short-Doyle clients.

The bill would authorize a quality assurance committee to engage in research and medical or psychiatric study and, with certain exceptions, would provide that the written records of interviews, reports, statements, or memoranda of the medical or psychiatric studies shall not be admitted as evidence in any action or before any administrative body, agency, or person

(2) Existing law prescribes, among other things, that there shall be no monetary liability on the part of, and no cause of action for damages shall accrue against, any member of a duly appointed committee of a state or local professional society, as defined, for any act or proceeding undertaken or performed within the scope of the functions of any such committee which is formed to maintain standards of the society established by its bylaws

This bill would provide such privilege to any member of a duly appointed mental health professional quality assurance committee under the quality assurance system, if the committee member acts without malice, has made a reasonable effort to obtain the facts, and acts in reasonable belief the action taken is warranted by the facts.

(3) Under existing law, information and records obtained in the course of providing certain mental health services is confidential and cannot be disclosed except in specified circumstances.

This bill would provide for the disclosure of confidential information to a quality assurance committee.

This bill would also provide, with certain exceptions, that the proceedings and records of a local quality assurance system quality assurance committee are immune from discovery and also that no person in attendance at a meeting of the committee shall be required to testify as to what transpired.

This bill would, in addition, provide immunity from monetary liability and a cause of action for damages for any person communicating information to the quality assurance committee when intended to aid in the evaluation of the qualifications, fitness, character, or insurability of a practitioner of the healing arts

(4) Existing law provides for state subvention of local jurisdiction health services, as

prescribed, from the County Health Services Fund, which is appropriated to the State Department of Health Services for this purpose without regard to fiscal years.

This bill would require each local jurisdiction to submit certain expenditure, revenue and cost reports to the department which would serve as the basis for recovery of funds not expended under the agreement with the local jurisdiction.

(5) Existing law authorizes savings that occur for specified reasons in the County Health Services Fund to be allocated upon application and upon a matching basis to any county in accordance with special needs and priorities established by the Director of Health Services The moneys in the fund are available for expenditure for 2 fiscal years after the year appropriated

This bill would authorize the allocation of savings to local jurisdictions upon application, as specified.

The bill would require the director to allocate funds for special needs and priorities between April 1, 1982, and August 31, 1982, and to allocate them for specified special needs and priorities and to waive or reduce county matching requirements under certain circumstances. This bill would also authorize General Fund moneys deposited in the County Health Services Fund for the 1979–80 fiscal year to be available for expenditure until August 31, 1982

The bill would also authorize the State Department of Health Services to provide technical assistance to any requesting county and to utilize moneys in the County Health Services Fund for such purposes not exceeding $300,000 in any fiscal year The bill would authorize one state staff position to be funded from these funds

The bill would require that commencing with the 1983–84 fiscal year, new state staff positions for implementation of county health services provisions of the bill be funded through the normal budgetary process

The bill would provide that regulations adopted to implement the provisions of this act shall be emergency regulations

The bill would appropriate specified funds appropriated from the General Fund to the Health Services Fund for the 1981–82 fiscal year to the Director of Health Services for expenditure and allocation during the 1981–82, 1982–83, and 1983–84 fiscal years The bill would provide that $1,579,000 of unclaimed or recouped funds accruing to the County Health Services Fund from the fiscal years 1980–81, 1981–82, or 1982–83 shall revert to the General Fund on or before December 31, 1982

(6) Item 275 of the Budget Act of 1979 appropriates funds to the State Department of Mental Health for various categories of assistance to local mental health services. That item prohibits the department from transferring funds among these categories

This bill would make an appropriation by authorizing the department to transfer funds among the various categories under Item 275 of the Budget Act of 1979

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(8) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(9) The bill would take effect immediately as an urgency statute.

Ch. 235 (AB 2283) Ivers Vehicles: fee exemption

Under existing law, a disabled veteran is exempt from registration and license fees for one vehicle owned by the veteran.

This bill would extend the exemption to include any veteran who is a Congressional Medal of Honor recipient who was born in the state or who either resided in the state at the time of entry into military service or has been a resident continuously since January 1, 1977.

Ch 236 (SB 1437) Presley. San Bernardino County flood control.

Under existing law, the San Bernardino County Flood Control District is required to submit to public bid, in accordance with prescribed procedures, all contracts for construction of, or for furnishing the labor, materials, or supplies for, any improvement or work exceeding $2,000 in cost The district may directly undertake certain work in any area of the district which has been declared a disaster area by the Governor

This bill would instead generally require all contracts of the district for any improvement or unit or work estimated to cost in excess of $25,000 to be let to the lowest responsible bidder in accordance with prescribed procedures. The bill would permit specified work to be done by force account and would also permit specified emergency work to be done by negotiated contract without advertising for bids.

Ch 237 (SB 1493) Holmdahl Local building permits

Existing law requires whenever a building permit is issued in the name of the owner as builder, that specified notice and verification forms be mailed or provided to the owner and a specified signed verification be returned as a condition precedent to issue the building permit

This bill would expressly exempt the city or county or its employees from liability for determining the truth or accuracy of the declarations in the owner-builder verification.

Ch. 238 (AB 3203) Berman. Medical Assistance program. funding.

Existing law provides for the Medi-Cal program, under which health care services are provided to low-income and indigent recipients under a system whereby health care providers are reimbursed subsequent to submitting claims to a state fiscal intermediary for services performed

This bill would appropriate the sum of $137,200,000 from the General Fund to the Department of Finance in augmentation of the Budget Act of 1981 for allocation to the State Department of Health Services for the state's share of the costs of services provided under the Medical Assistance program

This bill would take effect immediately as an urgency statute

Ch 239 (AB 2112) McCarthy San Francisco Bay Area Rapid Transit District directors compensation.

Under existing law, each director of the San Francisco Bay Area Rapid Transit District is required to be paid $50 for each district meeting attended, not to exceed $250 per month.

This bill would delete that requirement and instead permit the district board to provide by ordinance or resolution that each director be paid $100 for each district meeting attended, not to exceed $500 per month.

Ch 240 (AB 2004) Cortese. Local agency formation commissions

(1) Under existing law, there is in each county a local agency formation commission having specified powers and duties in connection with the organization and reorganization of cities and special districts within the commission's jurisdiction Members are appointed to the commission to represent the county, cities in the county, and the general public

An alternate city representative is authorized to serve and vote in the place of a regular city representative who is absent, disqualifies himself, or is automatically disqualified

Automatic disqualification of a regular city representative occurs if, in a county with more than 2 cities, the commission is considering a proposal to annex territory to a city represented by one of the regular members

This bill would remove the provision for automatic disqualification of a regular city representative on a local agency formation commission and the provision for an alternate to serve in the place of an automatically disqualified city representative.

(2) Existing law authorizes a local agency formation commission to adopt rules and regulations for the disqualification of members from participating in proposals before the commission

This bill would provide that a member's representation of a city does not disqualify, nor is it cause for disqualification of, the member, from acting on proposals affecting the city.

(3) This bill would incorporate additional changes in Section 54784 of the Government Code, to be operative only if this bill and AB 2003 are both chaptered and become

effective.

Ch. 241 (SB 573) Mills Transportation.

(1) The Mills-Alquist-Deddeh Act authorizes allocation of funds for community transit services until January 1, 1983.

This bill would delete the January 1, 1983, repeal date.

(2) Under the act, after allocation for administrative and planning purposes, 2% of the money in the local transportation fund may be allocated for facilities provided for the exclusive use of pedestrians and bicycles and, if allocated, is required to be allocated for construction of those facilities pursuant to a specified priority list

This bill would authorize the allocation of that money for the maintenance of bikeways which are closed to motorized traffic pursuant to a specified priority list.

(3) Under the act, a transportation planning agency may allocate money only to programs demonstrating feasibility of community transit services and a claimant for an allocation for community transit services is required to have a marketing program for those services

This bill would delete these requirements.

(4) Under the act, the transportation planning agency, before allocating funds to a claimant for community transit services, is required to find that the claimant is in compliance with specified fare revenue to operating cost ratios.

This bill would authorize an alternative to that finding by permitting a finding of compliance with regional, countywide, or county subarea performance criteria, local match requirements, or fare recovery ratios adopted by the transportation planning agency or the county transportation commission, as specified.

(5) Under the act, counties and cities in a county where the funds may be allocated for street and road purposes may be allocated funds by the transportation planning agency to contract for public transportation or for transportation services for groups requiring special transportation assistance until July 1, 1983, limited to 50% of the total proposed expenditures for that purpose except if the city or county is in compliance with specified fare revenue to operating cost ratios

This bill would delete the July 1, 1983, repeal date and would also authorize counties and cities to receive payments for their administrative and planning costs with respect to transportation services under those contracts.

The bill would provide for an exception from the 50% limitation for those contracted for services if the city or county is, alternatively, in compliance with regional, countywide, or county subarea performance criteria, local match requirements, or fare recovery ratios adopted by the transportation planning agency or the county transportation commission, as specified

(6) The bill would delete obsolete provisions.

(7) The bill would take effect immediately as an urgency statute

Ch 242 (SB 1178) Petris. Religious corporations· trusts.

Under existing law, gifts to religious organizations are charitable in nature, and the acceptance of such a gift generally establishes a charitable trust, either for the organization's declared purposes or for some other purpose which may be specified. However, existing law limits the persons who may remedy a breach of a trust by a religious corporation.

This bill would provide that no asset of a religious corporation is or shall be deemed to be impressed with any trust unless the asset was received with an express commitment by resolution of the directors, or unless the articles or bylaws of the corporation or the governing instruments of a superior religious body or general church so provide, or unless the donor expressly imposed a trust in writing at the time of the gift or donation.

The bill would also permit the amendment or dissolution of trusts imposed pursuant to articles, bylaws, or governing instruments by amendment to the articles, bylaws, or governing instruments.

This bill would provide, in addition, that when property received by a religious corporation from a person directly affiliated with that corporation has been contributed based upon an affirmative representation that it would be used for a specific purpose other than the general support of the corporation's activities and has been used in a

manner contrary to the specific purpose for which the property was contributed, specified individuals may bring an action for relief provided written notice is given to the corporation, as specified. The bill would also provide that the directors or members of a religious corporation may, under specified circumstances, approve or ratify the use of property for the general purposes of the corporation rather than for the specific purpose for which it was contributed. The bill would prohibit a public officer, in his or her official capacity, from bringing this type of action for relief even on behalf of a private person.

Ch. 243 (SB 1340) Maddy County waterworks districts.

(1) Under existing law, the board of supervisors of the county is the governing board of a county waterworks district unless a board of directors had been appointed under provisions of law in effect prior to the effective date of the Statutes of 1967. The board of supervisors may dissolve any such appointed board of directors at any time and thereafter serve as the governing board.

This bill would authorize the Board of Supervisors of Madera County to appoint a board of directors to serve as the governing board of Madera County Waterworks District #2, and would provide for related matters.

(2) Under existing law, where the district becomes a subsidiary district of a city pursuant to the District Reorganization Act of 1965, the city council of the city is the governing board of the district

This bill would in that case permit the city council, by resolution, to change the name of the district, and would specify related matters.

Ch. 244 (AB 1743) Vicencia. Counties: services to cities

Under existing law, a county with a population of 6,000,000 or more which provides contract or authorized services to any city within the county is permitted to charge the city only those additional costs incurred by the county in providing such services, and is prohibited from charging the city for any portion of costs which are for services made available to all portions of the county, or which are general overhead costs of the county.

This bill would make the existing limitations applicable to counties generally, rather than only those with a population of 6,000,000 or more The bill would not apply to any contract or agreement in effect on December 31, 1982.

Ch 245 (AB 2726) Costa. Vehicles commercial: accident liability.

Existing law exempts certain vehicles, including vehicles rented and used for noncommercial purposes, from the requirement to maintain the ability to respond in damages in the amounts required by the Director of Motor Vehicles for commercial vehicles, which amounts are equal to those specified by the Public Utilities Commission for specified for-hire vehicles.

This bill would limit the exemption for rented vehicles to, instead, those rented vehicles used for the noncommercial transportation of property.

Ch. 246 (AB 2918) Elder. Long Beach tidelands. funds.

Under existing law, funds accumulated by the City of Long Beach in the reserve for subsidence contingencies required under provisions governing the tide and submerged lands granted by the state to the city are required to be invested in state bonds or, if unavailable, in securities of the United States.

This bill would provide instead for the funds to be invested in accordance with specified provisions governing the investment of local agency funds generally

Ch. 247 (AB 3091) Moore. Probation.

Existing law defines "probation" as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community Except as otherwise provided, persons placed on probation are under the supervision of the probation officer Courts may grant probation in felony, misdemeanor, and infraction cases with certain exceptions.

Existing law provides that in misdemeanor and infraction cases courts have the power to suspend sentences and grant conditional and revocable release in the community without referring the cases to the probation officer

This bill would define "conditional sentence" as the suspension of the imposition or execution of a sentence and the order of revocable release in the community subject to

conditions set by the court without supervision by the probation officer and would permit conditional sentences to be used in misdemeanor and infraction cases The bill would make statements of legislative intent concerning the purpose and use of conditional sentence.

The bill would take effect immediately as an urgency statute.

Ch. 248 (AB 3374) Frazee Courts. filing fees

Existing law provides for the automatic adjustment of specified filing fees in civil actions to reflect changes in the value of the dollar, but not to exceed 3% per year

This bill would temporarily raise the ceiling for such an adjustment to the extent it reflects an increase in law library fees, as specified, up to a total adjustment of 5% per year

Ch 249 (AB 3585) Harris. Service of process.

Existing law provides that process may be served on a person outside this state by sending a copy of the summons and the complaint by air mail, return receipt requested

This bill would specify that the summons could be sent by first-class mail, postage prepaid, return receipt requested.

The bill states that its provisions are declaratory of existing law

Ch 250 (AB 3396) Harris. Consolidation of civil actions

Existing law provides that when an action pending in a superior court is sought to be coordinated, or brought together with another civil action because there is a common question of fact or law, with an action pending in a municipal or justice court located in the same county, the assigned judge may, as an alternative to coordination, order the lower court action transferred to the superior court for consolidation with the superior court action

This bill would instead provide that when civil actions sharing a common question of fact or law are pending in a superior court and in a municipal or justice court of the same county, the superior court may, on the motion of any party, order transfer from the municipal or justice court and consolidation of the actions in the superior court.

Ch. 251 (AB 1729) Vasconcellos. Education law: permissive Education Code.

Legislation which became operative in 1976 authorized the governing board of any school district or community college district to initiate and carry on any program, activity, or to act otherwise in any manner which is not in conflict with, or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which school districts and community college districts are established.

However, the Education Code presently contains many provisions enacted prior and subsequent to that date which specifically prescribe the authority of any school district or community college district to act in initiating and carrying on programs or activities or taking other actions.

This bill deletes many such prescriptive provisions thereby permitting governing boards to exercise authority with respect to the matters affected. This bill would also make other technical revisions in the law

Existing law, which will be repealed July 1, 1982, authorizes the governing board of any community college district to issue revenue bonds, as specified.

This bill would add those provisions to the Education Code, effective July 1, 1982. It would specify that this addition shall be construed as a continuation, not a reenactment.

The bill would take effect immediately as an urgency statute

Ch 252 (AB 2894) Moorhead Placer County Water Agency.

Under existing law, the Placer County Water Agency may develop hydroelectric power and sell the energy at wholesale rates to any public agency or private entity engaged in the sale of electric energy at retail, or to the federal or state government.

This bill would instead, subject to specified restrictions, permit the agency to sell the energy to any public agency, private entity, person, or the federal or state government and delete the requirements for wholesale rates. The bill would also authorize the agency generally to provide for the generation, transmission, distribution, sale, and lease of electric power in the same manner as irrigation districts.

The bill would prohibit the acquisition of property or facilities already employed in

the generation of hydroelectric energy, except as specified

Ch. 253 (AB 2304) Nolan. Courts

Existing law specifies there are 2 judges of the municipal court in the Glendale Municipal Court District, and 2 judges of the municipal court in the Antelope Municipal Court District.

This bill would authorize an additional judge for the municipal court in the Glendale Municipal Court District, and an additional judge for the municipal court in the Antelope Municipal Court District, as specified.

Ch. 254 (AB 3639) Kelley. Local water agencies

(1) Under existing law, a county water district is authorized to acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste, and storm water of the district and its inhabitants and, subject to specified conditions, of inhabitants outside its boundaries.

This bill would authorize a county water district to supply sewage and waste services to property not subject to district taxes at special rates, terms, and conditions as are determined by the board of directors.

(2) Under existing law, the Desert Water Agency, a special agency organized under the Desert Water Agency Law, is vested with specified powers and duties, including authority to acquire, control, distribute, store, sink, treat, purify, reclaim, recapture, and salvage any water.

This bill would also authorize the agency to acquire, construct, maintain, and operate sanitary sewers and sewerage systems

(3) Under existing law, drainage districts may be formed pursuant to the Drainage District Act of 1903.

This bill would authorize the board of directors, upon the formation of the district, to levy and collect an assessment of not to exceed $1 per acre for each acre of land, to be used to pay the preliminary expenses incurred in forming the district.

Ch. 255 (AB 3540) Konnyu Veterinarians.

Existing law authorizes the Board of Examiners in Veterinary Medicine to waive the examination requirements for a license to practice veterinary medicine to an applicant who meets specified requirements, including, among other things, being licensed in one or more other states, having practiced veterinary medicine for 4 or more years in 1 or more states that accept California licensees and passing an examination administered by the board. The law prohibits the board from waiving the examination if the state in which the applicant is licensed does not extend a like privilege to veterinarians licensed in this state.

This bill would delete the requirement that the state or states in which the person has practiced must accept California licensees, would specify that the examination is to be a practicing veterinarian examination and would delete the prohibition against waiving the examination for applicants licensed in a state which does not extend a like privilege to California licensed veterinarians

Ch. 256 (AB 2646) L. Stirling. Evidence.

Existing law provides that the privilege of a married person not to testify against his or her spouse in any proceeding and the privilege a person has during and after the marital relationship not to disclose a confidential communication made while the person and his or her spouse were married do not apply in a proceeding under the Juvenile Court Law.

This bill would correct an obsolete reference in existing law relating to the nonapplicability of such privileges in proceedings under the Juvenile Court Law.

Ch. 257 (AB 2607) Sebastiani Crimes: fines and forfeitures

Existing law requires counties adopting specified provisions of law for the funding of county criminal justice facilities to collect a penalty assessment on fines and forfeitures and a surcharge on parking fines for such purposes.

This bill would authorize such a county to collect both the penalty assessment and the surcharge, or just the assessment.

Under existing law, moneys in a county criminal justice facility temporary construc-

tion fund are available only for specified purposes

This bill would specify that the moneys in the fund may be utilized through any public agency funding mechanism, as specified

Ch 258 (AB 2351) Sher. Liability

Under existing case law, the "fireman's rule" generally provides that negligence in causing a fire furnishes no basis for liability to a professional fireman injured fighting the fire Case law has also held that the fireman's rule is applicable to policemen injured in the course of their duties to preclude liability for negligence in creating an occasion for the presence of policemen.

Existing statutes provide that notwithstanding statutory or decisional law to the contrary, a person who knows or should have known of the presence of a peace officer or firefighter is responsible not only for the results of willful acts, but also for any injury to the peace officer or firefighter occasioned by a want of ordinary care or skill which occurs after the person knows or should have known of the presence of the peace officer or firefighter

This bill would extend that responsibility for injuries to a peace officer or firefighter to emergency medical personnel, and to cases where the injury was caused by conduct which occurs after the person knows or should have known of the presence of the peace officer, firefighter, or emergency medical personnel where the conduct violates a statute, ordinance, or regulation, and to cases where the conduct was intended to injure the peace officer, firefighter or emergency medical personnel.

The bill would also provide that the employer of a firefighter, peace officer, or emergency service personnel may be subrogated to certain rights of the employee

Ch 259 (AB 1668) Elder Subdivisions: tentative map· expiration

Existing law provides that an approved or conditionally approved tentative subdivision map will, with certain exceptions, expire 24 months after its approval or conditional approval Local agencies are authorized to increase, by ordinance, the time of expiration by an additional period of up to 12 months Upon application by a subdivider, an approved or conditionally approved tentative map may be extended by the local legislative body or advisory agency for a period or periods not exceeding 2 years.

This bill would increase the specified 2-year period to 3 years.

The bill would take effect immediately, as an urgency statute

Ch 260 (AB 2462) Cortese Courts officers.

(1) Under the general provisions of existing law relating to municipal courts, a commissioner of a municipal court may conduct arraignment proceedings in the court if directed to perform such duties by the presiding or sole judge of the court.

This bill would specify that such duties may include the issuance and signing of bench warrants, and would authorize a commissioner of the municipal court, if so directed, to issue and sign a bench warrant for the arrest of a defendant who fails to appear in court when required to appear by law or who fails to perform any act required by court order

(2) Existing law provides that a municipal court commissioner in Los Angeles may conduct arraignment proceedings, as specified, including the issuance and signing of bench warrants.

This bill would repeal this provision.

(3) Under existing law, the number of superior court judges in San Francisco will increase from 27 to 28, operative July 1, 1982.

This bill would amend those provisions to make the increase in the number of superior court judges in San Francisco from 27 to 28 contingent upon the adoption of a specified resolution by the board of supervisors.

(4) The bill would take effect immediately as an urgency statute

Ch 261 (SB 1317) Johnson Vehicles.

Existing law permits a motor vehicle to be equipped with a system in which an amber light is mounted on the rear of a vehicle to communicate a component of deceleration

This bill would authorize a motor vehicle to be equipped with 2 amber lamps which may be operated after deceleration as specified either separately or in combination with another lamp system.

Ch 262 (SB 1331) Foran. Transportation: guideways

(1) Existing law requires the Department of Transportation to submit annually to the California Transportation Commission a recommended estimate of all federal and state funds available for transportation purposes. The commission is required to adopt an annual and 5-year estimate of all state and federal funds available for transportation purposes

This bill would require the estimates to include an estimate of funds from the State Highway Account and the Transportation Planning and Development Account in the State Transportation Fund that will be available for exclusive public mass transit guideway projects, acquisition of the rights-of-way of abandoned railroad lines, bus rehabilitation, grade separation projects, and projects to improve the interface of various transportation modes

(2) Under existing law, an appropriation is available for encumbrance during the period specified or, with specified exceptions, for 3 years after the date upon which it first becomes available for encumbrance. Disbursements in liquidation of encumbrances may be made before or during the 2 years following the last day an appropriation is available for encumbrance

This bill would specify that funds appropriated for exclusive public mass transit guideway projects from the State Highway Account and the Transportation Planning and Development Account would be available for encumbrance in the fiscal year appropriated and the next 2 fiscal years and would be available for expenditure for 2 years after the last date available for encumbrance

(3) Under existing law, with a specified exception, not more than 25% of the revenues subject to Article XIX of the California Constitution allocated by a city or county, or by the state within a city, county, or transit district, may be allocated for exclusive public mass transit guideway purposes

This bill would delete the 25% limitation

(4) Under existing law, the commission is authorized to allocate funds from the State Highway Account for guideway projects in those areas where voters have approved a proposition pursuant to Section 4 of Article XIX of the California Constitution.

This bill would require the commission, with respect to the sum of the money appropriated from the State Highway Account and the Transportation Planning and Development Account for guideway purposes, to include, in the state transportation improvement program, ½ of that sum for those counties which have adopted a proposition and which meet specified conditions The amount to be included in the state transportation improvement program for each of those counties would be in the proportion that its population bears to the total population of all those counties, subject to reduction under specified conditions.

(5) Under existing law, the commission is required to allocate from the State Highway Account to the Los Angeles County Transportation Commission and the San Diego Metropolitan Transit Development Board the maximum authorized for guideway purposes. The commission is also required to make specified advances from the State Highway Account to the transit development board for guideway purposes

This bill would delete the requirement that the commission make those allocations to the county transportation commission and the transit development board.

The bill would prohibit any allocations to be made under the procedure discussed in (4) above to the transit development board during the 1982–83 and 1983–84 fiscal years in lieu of it repaying the advances made to it The bill, with respect to the funds allocated by the commission under existing law to be repealed by this bill to the reserve for guideway construction in Los Angeles County, would make those funds available for encumbrance until July 1, 1985, for such construction. In lieu of following the population allocation formula discussed in (4) above, the bill, for the 1982–83 fiscal year would allocate $38,800,000 from the State Highway Account for guideway purposes in Los Angeles County, and an amount to each of the Counties of Orange, Sacramento, Santa Clara, San Mateo, San Francisco, Alameda, and Contra Costa based on a stated percentage for each county of ½ of that sum discussed in (4) above.

(6) The bill would take effect immediately as an urgency statute, to be operative July 1, 1982.

Ch 263 (SB 1344) Garamendi. Water hyacinth control

Under existing law, there are no special provisions for the control of water hyacinth in the Sacramento-San Joaquin Delta and the Suisun Marsh.

This bill would designate the Department of Boating and Waterways as the lead agency of the state for the purpose of cooperating with agencies of the United States and other public agencies in controlling water hyacinth in the delta and the marsh. The bill would authorize the department and other public agencies to cooperate with one another and agencies of the United States and to furnish money, services, equipment, and other property to that end The bill would make related legislative findings and declarations

The bill would appropriate $125,000 from the Harbors and Watercraft Revolving Fund to the department for expenditure during the 1982 calendar year for the development of a long-range water hyacinth control program in the delta and the marsh, and, subject to specified conditions, for the implementation of a short-term program until the long-term program is ready for implementation.

The bill would take effect immediately as an urgency statute

Ch 264 (SB 1428) Holmdahl Municipal utility districts competitive bid contracts

Existing law requires competitive bidding on all purchases of supplies and materials in excess of $10,000 for municipal utility districts

This bill would instead require competitive bidding on all purchases of supplies and materials in excess of $20,000 for municipal utility districts

Ch 265 (SB 1432) Mills. San Diego Metropolitan Transit Development Board.

(1) Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board consists of 8 members, one appointed by the Governor and 7 selected local officials. The act provides, among other things, that the Mayor of San Diego be an ex officio member, and that 3 of the other members be appointed by the San Diego City Council from its membership

This bill would delete the Mayor of San Diego as an ex officio member of the board The bill would instead provide that the city council appoint 4 of its members to the board, one of whom may be the mayor

(2) Under the act, any appointing authority of a member to the board may reappoint a former member of the board that the appointing authority had previously appointed

This bill would delete that provision and would authorize a member of the board to be appointed by his or her appointing authority to continue to serve for up to 4 years beyond the expiration of his or her term of office, or until January 1, 1986, in the case of a member so serving prior to January 1, 1982

Ch 266 (AB 1850) D Brown Employment investments

Existing law requires that any property put up by an employee as part of an employment contract is to be deemed to be put up as a bond and is subject to specified requirements relating to bonds In addition, existing law provides that investments and the sale of stock or an interest in a business in connection with securing a position of employment are illegal and shall not be advertised or held out as consideration for any employment

This bill would exempt from the above provisions shares issued by any foreign or domestic corporation to (1) employees of the corporation or of any parent or subsidiary thereof, pursuant to a stock purchase plan or agreement or stock option plan or agreement or, (2) in connection with securing employment, to a person who is or is about to become an officer of the corporation or the parent or subsidiary thereof

Ch 267 (AB 2500) Kelley Special districts: powers

(1) Under existing law, districts organized under the County Water District Law are authorized to fix and collect, in accordance with prescribed procedures, water standby or availability charges or assessments of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not

This bill would, in any improvement district situated within the Joshua Basin Water District, increase that limit to $30 per acre per year or $30 per year for a parcel less than an acre, and would require the proceeds from that charge or assessment in excess of $10

per acre or parcel to be used only for the purposes of the improvement district

(2) Under existing law, county water districts are authorized to fix, levy, and collect a sewage and waste service standby or availability charge, not to exceed $10 per acre per year or $10 per year for each parcel of land less than an acre, in accordance with prescribed procedures

This bill would, in the Coachella Valley Water District only, increase that limit to $30 per acre per year or $30 per year for a parcel less than an acre

(3) Under existing law, community services districts are authorized to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would, in the Brooktrails Community Services District only, increase that limit to $30 per acre per year or $30 per year for a parcel less than an acre

(4) Under existing law, employees of a county water district may not exercise the powers and authority of peace officers.

This bill would authorize a county water district to employ a suitable security force The bill would confer specified peace officer authority upon members of the force, subject to specified conditions and requirements

(5) Under existing law, the maximum permissible annual standby charge in any improvement district within certain specified municipal water districts is $30 per acre or parcel less than an acre, but the proceeds from any such charge in excess of $10, which is the maximum permissible amount in municipal water districts generally, is required to be used only for the purposes of the improvement district

This bill would include the Lake Hemet Municipal Water District within those provisions

Ch. 268 (AB 3393) Sebastiani Housing water heaters

Existing law does not require that a warning label be affixed near the thermostat of all new water heaters to be sold in the state for residential use

This bill would require a warning label to be affixed near the thermostat, stating that setting of the water heater thermostat in excess of 130° Fahrenheit or 54° centigrade may cause accidental scalding or other injury, particularly to children or elderly persons. The bill would state the intent of the Legislature not to impose any duty on public utilities to affix labels or otherwise warn customers relative to existing water heaters

Ch 269 (AB 2643) McAlister Financial institutions

Existing law prescribes various requirements which must be met in order to effect a valid testamentary disposition of property.

This bill would provide that the transfer of property pursuant to a pay-on-death provision contained in a bank account agreement, a share, share account, or savings account of a federal savings and loan association, a share or investment certificate of a domestic savings and loan association, a share or certificate for funds of a credit union, or an investment or thrift certificate of an industrial loan company, shall not be deemed to be a testamentary disposition of property The pay-on-death provision would provide that upon the death of the named account holder, shareholder or certificate holder, the property in the account, share, or certificate shall become the property of a designated payee or payees The bill would also provide that the financial institution which makes payment in accordance with a pay-on-death provision shall be discharged from liability with respect to the money paid unless prior to payment it has been served with a court order restraining such payment

Ch 270 (AB 2738) McAlister Credit unions.

Existing law permits the Commissioner of Corporations, by regulation, to authorize credit unions to engage in any authorized activity. It provides that any such regulation shall expire on the first day of January of the second succeeding year following the end of the calendar year in which the regulation was promulgated.

This bill would instead provide that any such regulation shall expire on the first day of January 2 years following the end of the calendar year in which the regulation was promulgated

Existing law prohibits a credit union from charging more than the higher of 15% per annum simple interest or 6% per annum simple interest plus the rate established by the Federal Reserve Bank of San Francisco on advances to member banks, as specified, prevailing on the 15th day of the second month of the calendar quarter immediately preceding the calendar quarter during which the loan is made, on the unpaid balance of any loan, including all charges incident to the making of the loan.

This bill would instead provide that the interest rate on loans shall be determined by the board of directors of a credit union, from time to time, and would specify that certain charges with respect to a share account shall not be included in the computation of the interest rate

Existing law provides that the interest rate on any loan made by a credit union shall remain in effect until the loan is repaid or a further advance is made pursuant to an open end loan agreement

This bill would specify that the interest rate on such a loan may be decreased but not increased during the term of the loan or pursuant to an open end loan agreement, until a further advance is made, unless otherwise provided in the loan agreement

Ch. 271 (AB 3113) Frazee. Property tax: jurisdictional changes.

Under existing law, relating to the allocation of property tax revenues, certificates of filing are not issued until local agencies affected by a jurisdictional change agree to an exchange of property tax revenues

This bill would make a clarifying change, and states that this is declaratory of existing law.

This bill would take effect immediately as an urgency statute.

Ch. 272 (AB 3576) M Waters Pleadings forms

Under existing law, the use of official forms developed and approved by the Judicial Council for use in trial courts for any complaint, cross-complaint, or answer in any action based upon personal injury, property damage, wrongful death, unlawful detainer, breach of contract, or fraud is optional until December 31, 1982, and mandatory thereafter

This bill would extend the period for optional use of the forms until January 1, 1985

Ch 273 (AB 3688) Harris. Courts trials

(1) Existing law provides for the assignment of various municipal court personnel to the superior court upon the assignment of a judge of the municipal court to the superior court, and specifies their compensation while on assignment

This bill would extend those provisions to justice court personnel, upon the assignment of a justice court judge to the superior court, and would make related changes

(2) Existing law specifies the places where the superior court may hold sessions

This bill would authorize a session of the superior court to be held at any place in the county where a municipal or justice court holds sessions in certain civil or criminal actions, as specified, and would direct the Judicial Council to provide by rule for such sessions

Ch. 274 (AB 2259) Imbrecht Local agencies temporary borrowing

Existing law authorizes a local agency to borrow money for any purpose for which the local agency is authorized to expend moneys The indebtedness is represented by a note or notes issued to the lender Any taxes, income, revenue, cash receipts, or other moneys of the local agency may be pledged to the payment of the note or notes and interest, except that the amount of the notes issued cannot exceed a specified percentage thereof

This bill would, for these purposes, specify that "revenue" includes, but is not limited to, revenue from the state and federal governments

This bill would state that its provision are declaratory of existing law

This bill would take effect immediately as an urgency statute

Ch 275 (SB 460) Marks Income tax deduction

Existing Personal Income Tax Law and Bank and Corporations Tax Law allow certain deductions in the computation of taxable income.

This bill would allow the taxpayer to deduct up to specified amounts, for the cost of installing emergency egress/safe area refuge systems in buildings in California which are

owned by the taxpayer at the time of installation

This bill would take effect immediately as a tax levy, but its operative date would depend on when the bill takes effect

Ch. 276 (SB 1361) Petris Alameda-Contra Costa Transit District directors: compensation

Under existing law, the Board of Directors of the Alameda-Contra Costa Transit District is authorized to provide, by ordinance or resolution, that each member receive for attendance at each board meeting, and for each day engaged in other authorized district business, $50, but not to exceed $250 per month

This bill would authorize the board to provide only by ordinance for these payments and would increase these maximums to $100 and $500, respectively

Ch 277 (SB 1116) Greene Transportation: displaced workers· demonstration projects

Under existing law, the Department of Transportation has various functions respecting funding and providing for transportation-related services and is directed to give consideration to services between areas of high- and areas of low-employment opportunities.

This bill would direct the department, in cooperation with the Employment Development Department, to provide or assist until January 1, 1985, in the provision of demonstration projects to furnish worker-pooling transportation services for displaced workers, as defined The bill would provide that funds for demonstration projects shall be appropriated in the Budget Act from the Transportation Planning and Development Account in the State Transportation Fund and shall be expended on the basis of not more than 15% for administration and at least 85% for contract services, fare subsidies, and implementation of ridesharing services, as specified.

The bill would repeal these provisions on January 1, 1985

The bill would incorporate the definition of "displaced worker" proposed by S B 1109, to become effective if both bills are chaptered

The bill would take effect immediately as an urgency statute.

Ch 278 (SB 1039) M Garcia Bankruptcy Tax Act.

Existing federal tax treatment of individual and corporate bankrupts adopts the general concepts of federal income taxation to the particular factors inherent in bankruptcy

This bill would conform the Personal Income Tax Law and the Bank and Corporation Tax Law to the concepts formulated under federal law as applied to bankrupts

The bill would take effect immediately as a tax levy

Ch 279 (AB 1239) Elder State Teachers' Retirement System generally

The State Teachers' Retirement Law (1) defines "regular interest" in terms of interest on payments by members to the system, (2) provides for charging members interest, as specified, (3) provides for the purchasing of additional service credits with various specified payments, (4) authorizes imposition, upon employers, of interest on delinquent contributions until paid to the system, and (5) authorizes imposition of interest upon penalties imposed on employers submitting late or unacceptable forms

This bill would redefine "regular interest" in terms of average rate yielded during the prior year for certain fixed-income senior securities, as specified, define "contribution rate for additional service credit", and make related changes in items (2), (3), and to (4) above.

Existing law authorizes members to elect to make annuity deposit contributions, as specified, for providing additional retirement income

This bill would prohibit the system from accepting any annuity deposit contributions on and after January 1, 1983

Ch 280 (AB 2088) Filante Dead bodies. Uniform Anatomical Gift Act. eyes

(1) Under existing law, the definition of "part" for purposes of the Uniform Anatomical Gift Act includes, among other things, "eyes "

This bill would, instead, define "part" to include, among other things, the cornea, sclera, or vitreous and other segments of, or the whole, eye

(2) Existing law authorizes, with specified exception, a hospital to authorize and

specify the donation of parts of the decedent's body for any of specified purposes in the Uniform Anatomical Gift Act, when any of the persons enumerated in prescribed provisions are determined by diligent search, as specified, to be not available. Under existing law, this search may be initiated in anticipation of death, but the determination of nonavailability may not be made until the search has been under way for at least 24 hours

This bill would make an exception to this 24-hour requirement in the case of corneal material to be used for the purpose of human transplantation

Ch 281 (AB 2261) Campbell. Dutch elm disease

Existing law requires the Director of Food and Agriculture to take all steps necessary to prevent or retard the introduction, establishment, and spread of the Dutch elm disease

This bill would transfer the above-stated duties to the Department of Forestry The bill would also require that the Department of Forestry and the Department of Food and Agriculture cooperate in setting quarantine boundary lines and in enforcing the Food and Agricultural Code provisions relating to quarantine and pest abatement when a quarantine to prevent the spread of the Dutch elm disease is established.

This bill would take effect immediately

Ch 282 (AB 2328) Hannigan Child abuse or neglect convictions

Current law provides that if the court initiates a probation investigation and the convicted person was convicted of a violation in which a minor is a victim of an act of abuse or neglect, the investigation shall include a psychological evaluation to determine the extent of counseling necessary for successful rehabilitation and which may be mandated by the court during the term of probation The results of the examination are included in the probation officer's report to the court

This bill would authorize rather than require this evaluation

Ch 283 (AB 2333) Tucker Juvenile court law

Existing law provides that the public shall not be admitted to a juvenile court hearing, unless the minor requests that the hearing be open and a parent or guardian is present However, the judge or referee may admit the public in cases of an alleged violation of specified crimes

This bill would add to the list of crimes in which the court may admit the public, the personal use of a firearm in the commission of or attempted commission of a felony and any felony involving personal use of certain weapons, as specified, in a case where the minor was 16 years of age or older

Existing law provides that when a minor is alleged to be a person coming within the jurisdiction of the juvenile court on the basis of criminal conduct occuring when he or she was 16 years of age or older, the juvenile court may find that he or she is not a fit and proper subject to be dealt with under the juvenile court law When such a minor is alleged to have committed any one of specified crimes, he or she is presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes that the minor would be amenable to treatment under the juvenile court law, based on an evaluation of specified criteria

This bill would add to the list of crimes in which the court may conclude that the minor is not a fit and proper subject to be dealt with under juvenile court law, the personal use of a firearm in the commission of or attempted commission of a felony and any felony involving personal use of certain weapons

The bill would take effect immediately as an urgency statute

Ch 284 (AB 2386) Konnyu Jury trials

Existing law contains special provisions applicable only to courts in Santa Clara County regarding the waiver of a trial by jury and for the reimbursement to the county by the party who demands a trial by jury for the fees and mileage of all jurors appearing for voir dire examination, except for certain jurors These provisions presently will remain in effect only until January 1, 1983, and will be repealed on that date

Related provisions require the Judicial Council to make a recommendation to the Legislature on or before June 30, 1982, as to whether the above-referenced provisions

should be repealed or extended and would require Santa Clara County to provide information as needed and requested by the Judicial Council

This bill would repeal the special provisions making these laws applicable only to courts in Santa Clara County, making these laws applicable statewide, and amend the repealer to extend the repeal date to January 1, 1988 The bill would also delete the reporting provisions.

Ch. 285 (AB 2415) Frazee County recorder. recording of documents

Existing law prohibits the county recorder from recording documents presented for recording until the prescribed fees, if demanded, are paid or tendered

This bill would recast this provision to require the recorder to record specified material upon payment of proper fees, and would additionally require that the material to be recorded contain sufficient information to be indexed, and be photographically reproducible. The bill would also prohibit the county recorder from refusing to record any document which is authorized or required by law to be recorded on the basis of its lack of legal sufficiency

Ch 286 (AB 2491) Elder Elections

Existing law provides that whenever an election called by a district, city, or other political subdivision to fill an office is to be consolidated with a statewide election and the office to be filled is to appear upon the same ballot as that provided for the statewide election, the district, city, or other political subdivision, among other requirements, shall file with the county clerk no later than 67 days prior to the election the names of the candidates for that office which are to appear on the ballot

This bill would change the time limitation for filing the names of the candidates mentioned above from 67 days prior to the election to 81 days prior to the election.

This bill would take effect immediately as an urgency statute.

Ch 287 (AB 2615) Thurman Water districts

Under existing law, a district organized under the California Water District Law is authorized to establish equitable rules and regulations for the distribution of water and to fix and collect water charges, including standby charges

This bill would also expressly authorize a district to establish equitable rules and regulations for the sale of water and would specify circumstances under which a district may refuse to furnish water The bill would permit a district to provide that a penalty not in excess of 10%, together with interest not in excess of 1½% per month, may be added to delinquent charges

The bill would make legislative findings and declarations that the provisions of the act are declaratory of, and do not constitute a change, in existing law.

Ch 288 (AB 2647) Chacon Permissive code County superintendents of schools. electronic data-processing systems

Legislation which became operative in 1976 authorized the governing board of any school district to initiate and carry on any program or activity, or to act otherwise in any manner which is not in conflict with, or inconsistent with, or otherwise preempted by, any law and which is not in conflict with the purposes for which school districts are established

However, the Education Code currently contains prescriptive provisions which permit the governing board to make continuing contracts for the lease of electronic data-processing systems, as specified

This bill would delete these prescriptive provisions and, instead, generally authorize governing boards to contract for the procurement or maintenance, or both, of electronic data-processing systems, subject to specified competitive bidding requirements. This bill would also specifically authorize county superintendents of schools to contract with an acceptable party for the lease, purchase, or maintenance of electronic data-processing systems and supporting software.

Ch. 289 (AB 3431) Frazee Local agency fees.

(1) Existing law expressly requires that fees for sewer connections, water connections, zoning variances, zoning changes, use permits, building inspections, building permits, planning services, and for the processing of maps and administering other

provisions of the Subdivision Map Act not exceed the amount reasonably required to provide the services for which the fees are charged, unless ⅔ of the electors voting on the issue approve a fee in excess of the estimated reasonable cost of providing the service Existing law requires that any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge be taken only by ordinance or resolution

This bill would require that any judicial proceeding attacking the validity of such ordinance or resolution, including ordinances or resolutions which provide for an automatic adjustment in a fee or service charge, be conducted in accordance with specified provisions and be commenced within 120 days of the effective date of the ordinance or resolution or January 1, 1983, whichever date is later.

(2) Existing law specifies the governmental entities which are subject to the above provisions

This bill would make such provisions applicable to local agencies, as defined.

Ch 290 (AB 3753) Imbrecht Traffic warrants arrests.

Existing law provides for the arrest of persons who are the subjects of outstanding traffic warrants

This bill would prohibit a peace officer from arresting, on the basis of an outstanding traffic warrant, any person who presents to the peace officer a receipt, as specified, from a proper official of the court, indicating that the person has paid the fine for the violation that caused the warrant to be issued.

Ch 291 (AB 3637) Lewis County water districts standby assessments

Under existing law, county water districts are authorized to fix and collect, in accordance with prescribed procedures, water standby or availability assessments of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than an acre within the district to which water is made available for any purpose by the district, whether the water is actually used or not

This bill would authorize the Yorba Linda County Water District to fix and collect within Improvement District No 1 of the district, in accordance with those procedures, water standby or availability assessments of not to exceed $90 per year for each acre or portion thereof, and would specify the purposes for which the proceeds of the assessment may be used The bill would make legislative findings and declarations in this connection

The bill would take effect immediately as an urgency statute

Ch. 292 (AB 3611) Bates Custody proceedings.

Existing law provides that when a probation officer or domestic relations investigator is directed by the court in a custody proceeding to conduct a custody investigation, the court shall inquire into the financial condition of the person charged with the support and maintenance of the minor who is subject of the proceeding and order that person to pay, in whole or in part, the expense of the investigation, report and recommendation, if he or she is found to be able to repay these costs

This bill would authorize reimbursement for the costs of visitation work performed by a probation officer or domestic relations investigator in connection with a custody proceeding

Ch 293 (AB 2511) Johnston Schools Field Act exemption

Existing law authorizes the Camptonville Union Elementary District, the Lincoln Unified School District, and the San Juan Ridge Union School District to house pupils in specified buildings and exempts these buildings from the standards prescribed by the so-called Field Act until June 30, 1982

This bill would extend the districts' authorizations to house pupils in these buildings and would exempt the buildings from the Field Act standards until June 30, 1985

This bill would take effect immediately as an urgency statute

Ch 294 (AB 1356) Lancaster Transportation of hazardous waste

(1) Under existing law, the Department of the California Highway Patrol regulates the safe operation of various vehicles, including vehicles transporting hazardous materials The Highway Patrol conducts inspections to see if the vehicles are equipped as

required and in safe operating condition The State Fire Marshal is specifically charged with inspecting and registering cargo tanks and tank vehicles used to transport flammable and combustible liquids

Under existing law, the State Department of Health Services regulates the storage, use, processing, and handling of hazardous waste, including transporting or transferring hazardous waste In addition, haulers of hazardous waste are required to be registered by the State Department of Health Services Existing law also requires an annual inspection by the Department of the California Highway Patrol of trucks, trailers, vacuum tanks, cargo tanks, and containers, as specified, used to transport hazardous waste and makes certification of trucks, trailers, vacuum tanks, cargo tanks, or containers used to transport hazardous waste and registration of hazardous waste haulers by the State Department of Health Services, contingent upon the successful completion of the inspection by the Department of the California Highway Patrol

This bill would, in addition and excepting accidental spills or when emergency action is needed, among other things, require the State Department of Health Services to conduct tests, or cause tests to be completed by the responsible party, as are necessary in order to determine the general chemical and mineral composition of hazardous waste before it is transported from an abandoned site, as defined, to another disposal site, would require the hazardous waste hauler to prepare a transportation and safety plan specifying safety procedures to be utilized by the hauler to protect the public, and would require the department to issue a certificate to the hazardous waste hauler certifying that the department has reviewed and approved the plan

(2) Chapter 16 (AB 1683) of the Statutes of 1982 deleted, effective January 1, 1983, the authority for the Commissioner of the California Highway Patrol to issue licenses for the transportation of hazardous materials other than explosives

This bill would restore that authority

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(4) The bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(5) The bill would take effect immediately as an urgency statute

Ch 295 (AB 1930) D Brown Administrative regulations

Existing law requires state agencies, when holding hearings to adopt, amend, or repeal regulations, to provide notice of the hearing The notice required to be published shall include, among other things, an estimate of various costs and savings, as specified, to any state agency, local agency, or school district required to be reimbursed under Section 2231 of the Revenue and Taxation Code

This bill would include in that estimate, a statement of the potential cost impact, as defined, of the proposed action on private persons or businesses directly affected

Existing law requires state agencies to prepare and make available to the public a general statement of reasons for the proposed adoption or amendment of a regulation

This bill would include in this statement an estimated cost or savings to public agencies or affected private individuals or entities, as specified

Ch 296 (AB 2044) Lancaster Pharmaceutical services claims processing

Existing law regulates various business transactions, including specified contracts and services

This bill would require every prescription drug claims processor, as defined, on or before January 1, 1984, to have conducted or obtained the results of a study or studies which identifies the prevailing fees of California pharmacies for pharmaceutical dispensing services to private, uninsured consumers and would require every prescription drug claims processor to forward a copy of the study or studies to each client for whom it

performs claims processing services. The bill would specify the content and format for the studies, but no more than 2 studies during any 24-month period must be transmitted by a prescription drug claims processor As of January, 1986, if no new studies have been conducted since January, 1984, a previously transmitted study, with notice of cost-of-living changes, may be transmitted to the clients, as specified

The bill would, on and after January 1, 1984, prohibit a prescription drug claims processor from entering into or performing any provision of any new contract, and from performing any provision of any existing contract, with a California pharmacy, and from processing or assisting in the processing of any prescription drug claims involving a service of a California pharmacy unless the processor has conducted or obtained and forwarded the study or studies referred to in the above provisions.

A violation of these provisions would result only in the imposition of a civil remedy which includes the imposition of statutory damages of not less than $1,000 or more than $10,000 plus reasonable attorney's fees and costs, declaratory and injunctive relief, and any other relief which the court deems proper

Ch 297 (AB 18) Bosco Denial of probation. offenses against persons on public transit vehicles

Existing law provides that when a defendant is convicted of one of various specified offenses he or she shall be denied probation, and that execution or imposition of sentence shall not be suspended if other specified facts are admitted by the defendant or found to be true by the trier of fact Such other facts include, but are not limited to, the use of a firearm, commission of the offense while on parole, or commission of the offense against a disabled or aged person

This bill would provide that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, nor shall a finding bringing the defendant within this provision be stricken for, any person who, after a previous conviction and sentencing under the provisions of this bill, commits or attempts to commit any of specified felony offenses, or who, during the commission of any offense inflicts great bodily injury, against any occupant of a public transit vehicle, as specified. Upon commission of a specified offense against an occupant of a public transit vehicle by a person who was not previously convicted and sentenced under this bill if probation is granted, the court must impose some period of confinement and require the making of restitution or the performance of community service by both adults and juveniles

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 298 (AB 1003) Wright Local legislative bodies meetings.

Existing law requires, with certain exceptions authorizing meetings in executive session, that the meetings of local legislative bodies be open and public.

This bill would permit the legislative body of a local agency to meet in closed session with an applicant who is seeking the issuance or renewal of any license and who has a criminal record, and the applicant's attorney, if any, for the purpose of discussing and determining whether the applicant is sufficiently rehabilitated to obtain the license The applicant would be permitted to withdraw the application if the legislative body's decision is to deny the application, but if the applicant does not do so the legislative body would be required to take action at a public meeting denying the application The bill would provide confidentiality for the legislative body's proceedings and records.

This bill would also expand the scope of executive sessions to include meetings held for the purpose of evaluating employee performance, as well as the appointment, employment, or dismissal of an employee, and other specified matters

Ch 299 (AB 1987) Wright Medical technical assistants

Existing law specifies the qualifications for licensure as a licensed vocational nurse and requires, among other things, that an applicant have completed a prescribed course of

study in a school of vocational nursing or have qualifications equivalent to that acquired in a school of vocational nursing Existing law also requires applicants for licensure as a vocational nurse to pass an examination

This bill would require the issuance of an employment restricted license as a vocational nurse, as defined, to a person who on the effective date of the act, is employed as a medical technical assistant or as a senior medical technical assistant by the Department of Corrections or the Department of the Youth Authority, who has served in the medical corps of any of the armed services or who served in the United States Public Health Service, and who has completed specified nursing courses in the armed forces or the United States Public Health Service The bill would provide that the conditional license shall be issued only for the period of employment. The bill also specifically provides that a nonrestricted license as a vocational nurse can be obtained by a medical technical assistant if he or she passes the examination administered by the Board of Vocational Nurse and Psychiatric Technician Examiners

The bill would prohibit the Department of Corrections and the Department of the Youth Authority from appointing any person as a medical technical assistant on and after the effective date of the act, unless the person is (1) licensed as a vocational nurse or a registered nurse, or (2) has served in the medical corps of any of the armed services or served in the United States Public Health Service and has completed specified nursing courses in the armed services or the United States Public Health Service The bill would require these persons to become licensed vocational nurses within 6 months as a condition of continued employment

The bill would take effect immediately as an urgency statute

Ch 300 (AB 3539) Nolan Savings and loan associations

Existing law permits a savings and loan association to invest in California street improvement bonds up to an aggregate amount not exceeding 2% of the then total assets of the association, in stocks, bonds, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration up to an aggregate amount not in excess of 5% of the then total assets of the association, and in certain loans and interests in loans secured by real property located in foreign countries and securities of a foreign thrift institution, as specified, unless its aggregate outstanding investment in such loans and securities would exceed 1% of the then total assets of the association

This bill would eliminate the restrictions on the amount which a savings and loan association may invest in these types of loans, stocks, bonds, and obligations

Existing law permits a savings and loan association to invest in capital stock, obligations or other securities of service corporations, up to a certain percentage of the association's assets, as specified

This bill would eliminate the restrictions on the amount which a savings and loan association may invest in such obligations and securities

Existing law provides that a savings and loan association shall not have invested at any one time in specified stocks, bonds, and other securities, including California street improvement bonds, bonds issued by any railroad or public utility corporation, and securities of an international home loan bank, an aggregate amount in excess of 10% of the total assets of the association unless prior consent is obtained from the commissioner

This bill would repeal these provisions

Existing law provides that a savings and loan association is prohibited from entering into or assuming leases covering real property used in connection with the association's business, where the lease provides for aggregate rental payments in any one year in excess of 10% of the association's statutory net worth, without approval of the directors and the Savings and Loan Commissioner

This bill would eliminate these provisions

Existing law imposes limits on the amount of investments a savings and loan association may have in real property and in real property loans, as specified

This bill would eliminate these limits

Existing law provides that, subject to the rules and regulations of the Savings and Loan Commissioner, a savings and loan association may invest not more than 5% of its total assets in loans, advances of credit, and interests therein, secured by commercial real property which are not otherwise authorized by the Savings and Loan Association Law

This bill would delete the percentage-of-assets limitation on such investments

Existing law provides that a savings and loan association may make secured or unsecured loans for personal, family, or household purposes, and may invest in, sell, or hold commercial paper and corporate debt securities, provided the total of these loans and investments does not exceed 20% of the assets of the association.

This bill would instead provide that the total of those loans and investments shall not exceed 25%, or if greater, the percent of assets prescribed under federal law or regulation

The bill would incorporate changes to Section 6702 of the Financial Code to become operative only if this bill and AB 2464 are both chaptered and become effective January 1, 1983

Ch 301 (SB 1252) Carpenter Sales and use tax

Existing California Sales and Use Tax Law imposes a state sales and use tax on the sale or use of tangible personal property in the state, unless that sale or use is exempted from that tax. The tax is imposed on retailers for the privilege of doing a retail sales business. That law presently provides that producers of X-ray films for the purposes of diagnosis are consumers of materials and supplies used in the production thereof.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

This bill would instead provide that producers of X-ray films or photographs for the purpose of diagnosing medical or dental conditions of human beings, except for purely cosmetic purposes, are the consumers of materials and supplies used in the production thereof

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

The bill would take effect immediately as a tax levy

Ch 302 (SB 1692) Ellis School districts pupil responsibilities.

Existing law does not require school district governing boards to adopt and issue policy statements regarding the responsibilities of their pupils

This bill would state that the Legislature recognizes the important responsibilities of pupils in the public schools

This bill would also authorize school district governing boards to convene hearings, make findings, and adopt and issue policy statements setting forth the responsibilities of pupils regarding academic performance, attendance, in-school behavior, and any other aspects of school life deemed relevant to this task

Ch. 303 (SB 961) Alquist Hospitals safety standards.

(1) Existing law prescribes extensive provisions whereby the Office of Statewide Health Planning and Development, under the terms of a specified contractual agreement with the Department of General Services, is required to observe the construction of, or addition to, any hospital building or, if the work alters structural elements, the reconstruction or alteration of any hospital building. Existing law specifies that these provisions are intended to preempt from local jurisdictions the enforcement of building standards relating to hospital projects

Under existing law, the office, through its contract with the Department of General Services, is required to pass upon and approve or reject all plans for the construction or alteration of any hospital building, and to independently review the design and geological data to assure compliance with the requirements of existing law. The governing board of each hospital or any other hospital governing authority, before adopting any plans, must submit the plans to the office for approval and pay specified fees.

Existing law makes extensive provisions for the inspection of the hospital buildings and the work of construction or alteration which in the judgment of the office is necessary for the enforcement of existing law Current law prescribes that the office may call upon the Department of General Services to make a periodic review of hospital operations to assure that hospitals are adequately prepared to resist damage caused by earth-

quake tremor, and requires that the governing board or authority of the hospital shall reimburse the office for actual expenses incurred in making such a review.

Existing law prescribes that there is in the office a Building Safety Board which may advise, in a specified manner, and act as a board of appeals with regard to seismic safety of hospitals, as specified

This bill would repeal and reenact, with various changes, the provisions of existing law It would require the office to be responsible for the enforcement of building standards relating to hospital buildings, including the plan checking and the inspection of the design and details of the architectural, structural, mechanical, and electrical systems, and the observation of construction This bill would require the Department of General Services, under the specified terms of a contractual agreement with the office, to analyze only the structural systems and related details, as set forth in the working drawings and specifications, and to observe only that part of the construction of hospital projects and report the findings of such an analysis to the office This bill would require the office to enter into a contractual agreement with the Office of the State Fire Marshal for an analysis of the fire safety and related details set forth in the working drawings and specifications, and for the observation and the preparation of reports to the office in these areas. This bill would specify that because of the use of the prescribed contractual agreements involving the office, the Department of General Services, and the Office of the State Fire Marshal, the office shall assume responsibility for the transmittal of the triagency-approved design documents to the applicant This bill would delete the authority of the office to call upon the Department of General Services to make a periodic review of hospital operations to insure that hospitals are adequately prepared to resist damages caused by earthquake tremors and would, instead, require the office to make, or cause to be made, a review following an earthquake of health facilities within the areas involved subsequent to the occurrence of the earthquake and enter into contractual agreements only in a specified manner

This bill would increase the membership of the Building Safety Board to 15 members

This bill would increase the minimum filing fees to $250

This bill would authorize the office to issue an order stopping the construction or alteration of hospital buildings which is performed contrary to the provisions of the bill upon the service of written notice. This bill would authorize the office or its authorized representatives to make an inspection of any building or premises whenever there is reasonable cause to believe that there are violations of the bill or dangerous or unsafe conditions upon requesting entry in a specified manner This bill would require the owner, occupant, or other person having control or charge of the building or premises to permit the entry of the office or its representatives upon the service of an inspection warrant or other authorization prescribed by law to secure entry

This bill would authorize the office to order the vacating of any building or structure found to be in violation of office regulations and would authorize the issuance of an order to discontinue the use of any building or structure upon the service of notice to the owner or other person having control or charge of the building

This bill would make other technical changes necessary to implement the changes which would be made by this bill

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 304 (AB 3571) Alatorre. Veterans bonds.

This bill would enact the Veterans Bond Act of 1982 which would authorize state bonds in the amount of $450,000,000 for farm, home, and mobilehome purchase aid for veterans, and provide for submission of the act to a vote of the people at a special election consolidated with the General Election on November 2, 1982. The bill would also declare that this measure shall appear as Proposition 1 on the ballot

Ch. 305 (SB 12) Garamendi. Lake Tahoe acquisition bonds.

(1) Existing state law does not provide funds for the purchase of property in the Lake Tahoe area for environmental purposes

This bill would enact the Lake Tahoe Acquisitions Bond Act, which, if adopted, would authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $85,000,000 to provide for the acquisition of lands in the Lake Tahoe region This bill would provide for submission of the bond act to the voters at the 1982 General Election, or any special statewide election conducted prior to that election, and would provide that, if enacted, the bond act would become operative January 1, 1983.

The bill would make inapplicable to the submission of the bond act to the voters, a requirement that measures submitted to the people by the Legislature appear on the ballot of the first statewide election occurring after 131 days after adoption of the proposal by the Legislature

It would also declare the intent of the Legislature that the special statewide election shall be considered a general election.

(2) The bill would take effect immediately as an urgency statute

Ch 306 (SB 1896) Garamendi South Delta Water Agency

Under the South Delta Water Agency Act, the South Delta Water Agency, located in the Sacramento-San Joaquin Delta, is empowered to negotiate, enter into, execute, amend, administer, perform, and enforce specified agreements with the United States and the State of California for specified purposes. Existing law limits the amount of revenue which may be raised annually by assessment for general agency purposes to $100,000, and provides for the termination of the agency unless a contract for those specified purposes is entered into and executed on or before December 31, 1983.

This bill would increase the maximum permissible amount of revenue which may be so raised to $200,000, and would extend the time for executing the contract to December 31, 1988

The bill would take effect immediately as an urgency statute

Ch. 307 (SB 2031) Johnson. Courts. Glenn and Butte Counties.

(1) Existing law specifies a statewide minimum compensation of superior court reporters, with exceptions applicable to various counties

This bill would authorize the board of supervisors in Glenn County to prescribe a rate of compensation for superior court reporters in Glenn County higher than the statewide minimum, and would delete the compensation provisions for superior court reporters in Butte County, and instead require the board of supervisors to specify, by ordinance, the salary of superior court reporters in Butte County

(2) Existing law provides, upon the establishment of a new justice court, that the judges of the existing justice court shall, if eligible, become the judges of the new justice court until the election or appointment and qualification of their successors, but in no event shall any election successors be held within 10 months of succession to the office of a new court If there are more eligible incumbent judges than offices to be filled, the existing court continues until a new judge or judges are elected at the first state General Election held following the expiration of 90 days

This bill would provide, instead, that upon the creation of a new justice court judicial district in Glenn County, as specified, the board of supervisors shall call a special election for the office of justice court judge for the new justice court, to be consolidated with the statewide General Election, and the person receiving the highest number of votes cast would be elected

(3) Under existing law, if 2 or more constables are equally entitled by virtue of the office held in the superseded court to such office in a new justice court, the board of supervisors of the county in which the court is situated shall determine which person is entitled to the office.

This bill would provide, instead, that upon the creation of a new justice court judical district in Glenn County, as specified, a special election for the office of constable shall be held, to be consolidated with the statewide General Election, and in which only the incumbents may appear on the ballot or be elected The person receiving the highest number of votes cast would be elected and hold office for the balance of the original term of the office superseded

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute

Ch 308 (AB 1957) Costa Processors of farm products: walnuts, raisins, or prunes

Existing law requires that processors of walnuts, raisins, or prunes furnish reports by February 28 of each year to the Director of Food and Agriculture containing specified information showing the number of tons purchased by the processor in that crop year

This bill would change the date by which the reports are required to be furnished to August 31, and would specify that the information in the report relate to the number of tons purchased in the marketing season, as defined. The bill would also revise other related deadlines for reporting and the payment of fees.

Ch. 309 (AB 2151) Elder. Elections

An existing statute provides that whenever an election petition or paper is signed by voters, the circulator of the petition or paper shall indicate on the affidavit, to be filed at the same time as the petition or paper, the dates between which all signatures to the petition or paper were obtained and his or her voting address at the time of the execution of the affidavit Specific statutes governing particular election petitions or papers provide for detailed circulators' affidavits.

This bill would create a uniform circulator's declaration, as prescribed, to be submitted to the clerk whenever an election petition or paper is filed.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may incur some additional costs which require reimbursement Therefore, the Department of Finance and Legislative Analyst's Office would be required, in cooperation with representatives of local government, to review the implementation of the program established by this bill. If additional costs are identified, the bill would require them to be reported to the Legislature in terms of a statewide annual estimate in a bill introduced at the request of the Department of Finance.

Ch. 310 (AB 2338) Wray Vehicles· amateur radio stations license plates

Under existing law, any person holding an unexpired amateur radio station license issued by the Federal Communications Commission, other than a novice station license may apply for special license plates displaying the station call letters.

This bill would delete the provision excluding the holder of a novice station license from being eligible to apply for issuance of the special license plates

Ch 311 (AB 2576) Marguth Alameda County flood control

Under existing law, all contracts of the Alameda County Flood Control and Water Conservation District for any improvement or unit of work estimated to exceed $5,000 in cost, exclusive of materials or supplies, are required to be let to the lowest responsible bidder in accordance with prescribed procedures

This bill would increase that contract amount to $25,000 with or without the furnishing of materials or supplies, would prohibit the staging of improvements or works to avoid the bidding process, would revise procedures for calling for bids, and would specify the rights of the district to make changes or additions in the work being performed under a construction contract

Ch. 312 (AB 1084) Costa. Housing.

(1) Under existing law, local governments are required to include a housing element within their general plans

This bill would provide that certain mortgage revenue bond programs of a city and county for residential housing and certain local approval of a housing-related project, as defined, made prior to May 1, 1983, are not invalidated because the city and county failed or allegedly failed to comply with certain requirements

(2) Existing law specifically excludes, until January 1, 1984, the financing of certain multifamily low-rent housing projects and commercial property and capital improvement and related costs in connection thereto, from activities requiring a vote of the appropriate electors under Article XXXIV of the California Constitution for low-rent projects.

This bill would delete the termination date thereby continuing the exemption indefinitely

(3) Under the Zenovich-Moscone-Chacon Housing and Home Financing Act, "mortgage loan" is defined as including the refinancing of existing mortgage obligations as authorized by regulations of the agency, or a housing development A "construction loan" relates to the construction or rehabilitation of a housing development.

This bill would also include the refinancing of a residential structure within the definition. This bill would include within the definition of a "construction loan," a construction loan relating to a residential structure

(4) Under existing law, a city or county may finance multifamily rental housing with revenue bonds and make loans to lending institutions on condition that they use the net proceeds of the loans for the making of construction loans to finance development of multifamily rental housing.

This bill would authorize the city or county to require lending institutions to use the net proceeds of the loans for the making of either construction or mortgage loans to finance the development of multifamily rental housing

(5) Existing law provides that any person who willfully commits a trespass by refusing or failing to leave a hotel or motel where the person has obtained accommodations and has refused to pay for the accommodations upon request of the proprietor or manager, is guilty of a misdemeanor

This bill would make it a misdemeanor only if the occupancy is exempt from certain Civil Code provisions on the hiring of real property.

(6) Under existing law, the department cannot approve loans exceeding $50,000 from the Urban Housing Development Loan Fund

This bill would eliminate that limitation on loan amounts.

(7) Existing law appropriates moneys in the Rental Housing Construction Fund to the department for the purposes of the rental housing construction program.

This bill would specifically authorize the department to use these funds to assist the development of rental housing developments in Anaheim under certain circumstances and to provide financial assistance to certain displaced Anaheim residents.

(8) The Costa-Marks Housing Bond Allocation Act of 1981 allocates the state ceiling on the amount of public bonds, the interest upon which is exempt from federal income taxation, among various government units A local agency may assign all or any portion of its allocation of qualified mortgage bonds to, among other agencies, its redevelopment agency

This bill would authorize a redevelopment agency which has been assigned any allocation by the local agency to apportion it between community redevelopment and community redevelopment construction loans, if each such issue is sold within 180 days of the original allocation to the local agency

(9) This bill would also appropriate not more than $4,000,000 of the amount appropriated by Chapter 1045 of the Statutes of 1979 and transferred from the Rental Housing Construction Fund and the Homeownership Assistance Fund to the department to assist and provide financial assistance in Anaheim and $770,000 of funds available to the Urban Housing Development Loan Fund to the Rental Housing Construction Fund.

(10) This bill would take effect immediately as an urgency statute

Ch 313 (AB 1760) Robinson Unemployment insurance

(1) Existing law provides that an unemployed individual is not ineligible for unemployment compensation benefits solely on the basis that he or she is a student An eligible individual must be available for work

This bill would provide in addition that, with certain exceptions, if a student's restric-

tions upon his or her availability for work due to school attendance eliminate any substantial portion of the potential prospects for full-time suitable employment he or she can perform in the labor market, the student shall not be considered to be able to work and available for work

(2) Existing law authorizes the use of moneys in this state's account in the federal Unemployment Trust Fund for the payment of costs incurred for administering the unemployment compensation law if the Legislature makes a specific appropriation subject to specified conditions.

This bill would appropriate in accordance with this law $4,550,000 to the Employment Development Department for the purchase of electronic data-processing equipment. It would require any cost savings made possible by the bill to be used to reimburse this state's account in the federal Unemployment Trust Fund.

(3) The bill would take effect immediately as an urgency statute

Ch 314 (AB 2252) Thurman Public resources real property acquisitions

(1) Under existing law, the Department of Parks and Recreation, with the consent of the Department of Finance and subject to a provision of the Property Acquisition Law, may acquire real property the department deems necessary or proper for the extension, improvement, or development of the state park system.

This bill would prohibit the department from expending or participating in the expenditure of any appropriation for the acquisition of real property in excess of $500,000 for the state park system, unless a public hearing is held in the county in which the property is located, as specified, and a report is made to the Legislature with respect to that hearing

(2) Under the Santa Monica Mountains Conservancy Act, the conservancy is granted the right of first refusal, as prescribed, on any property within the Santa Monica Mountains zone, except as specified, owned by a public agency and scheduled for disposal as excess lands

Existing provisions of law exempt the Los Angeles Unified School District from those provisions, subject to specified conditions relating to the sale to the conservancy, at the original purchase price, of described property of the district

This bill would delete the existing provisions relating to the Los Angeles Unified School District, and would enact new provisions providing for a waiver of the right of first refusal by the conservancy for designated property of the Los Angeles Unified School District, subject to the Board of Education of the district complying with specified procedures and requirements, including an offer to sell specified property to the conservancy upon specified terms and conditions

(3) The bill would take effect immediately as an urgency statute

Ch 315 (AB 3030) Vicencia. Real estate

Existing law provides for a late renewal fee equal to 1½ times the regular renewal fee when a real estate license is not renewed prior to its expiration

This bill would change that late renewal fee to an amount equal to 1⅓ times the regular renewal fee

Existing law prescribes the maximum fees which may be fixed by the Real Estate Commissioner for a license as a real estate broker and a real estate salesperson

This bill would increase (1) the fee for a restricted broker license from $110 to $165, (2) the fee for a real estate broker license from $110 to $165, (3) the fee for a restricted salesperson license from $80 to $120, and (4) the fee for a real estate salesperson license from $80 to $120 The bill would delete a provision which subjects these fees to specified delinquency, penalty, and late fees

Existing law provides for a fee for attaching an endorsement as a real property securities dealer to a real estate broker's license.

This bill would increase that fee from $50 to $100

It would also limit, until June 30, 1983, the amount of these increased fees that shall be paid to the separate account in the Real Estate Fund for the purpose of real estate education, research, and recovery, and limit its allocation, as specified

The bill would also make technical conforming changes in provisions relating to real estate licenses to reflect the deletion of an inactive license status.

The increased fee provided in this bill would result in an increase into the continuous-

ly appropriated Real Estate Fund or accounts thereof

The bill would provide that the act is an urgency statute, to take effect immediately

The bill also would provide that the act is to be operative on the first day of the second month after the effective date of the act

Ch. 316 (SB 1475) Mello Commercial fishing gill nets and trammel nets.

(1) Under existing law, for the protection of fish and game, the state is divided into fish and game districts Existing law permits, with certain restrictions, the use of gill nets in District 17, near Monterey. Existing law also permits the use of trammel nets in that district. Existing law permits the use of those nets in District 10

This bill would prohibit the use of gill nets and trammel nets in a specified section of District 17 The bill would also authorize the Director of Fish and Game to issue an order prohibiting the use of gill nets or trammel nets in all or any part of District 17 or, after public hearing in Sonoma, Marin, San Francisco, or San Mateo County, in all or a part of District 10, if the director determines that any local population of any species of seabird or marine mammal is in danger of irreparable injury, or that mortality in any local population of any species of seabird is occurring at a rate that threatens the viability of the local population as a direct result of the use of either or both types of these nets

(2) Existing law permits the use of gill nets in a portion of District 16, near Seaside, except to take rockfish and lingcod.

This bill would repeal this provision.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(4) The bill would take effect immediately as an urgency statute.

Ch. 317 (SB 1480) Alquist. Appropriation Budget Act augmentation contingencies or emergencies

The Budget Act of 1981 appropriated money from the General Fund, special funds, and nongovernmental cost funds for expenditure for contingencies or emergencies upon written authorization from the Department of Finance or the Director of Finance, as specified

This bill would appropriate $30,000,000, as allocated, in augmentation of those appropriations.

The bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

Ch 318 (SB 1385) Garamendi. Schools: suspensions· expulsions emergency apportionments·

(1) Under existing law, a public school pupil cannot be suspended from school or recommended for expulsion unless the principal determines that the pupil has committed any of several specified offenses.

This bill would add several offenses to those which can lead to suspension or expulsion the unlawful offering or negotiating to sell any controlled substance, alcoholic beverage, or intoxicant, followed by the subsequent sale, delivery, or furnishing of a look alike substance, causing or attempting to cause damage to either school or private property; and stealing or attempting to steal either school or private property.

(2) Under existing law, the governing board of a school district may order that a pupil be expelled. In ordering the expulsion of a pupil, the governing board must find that the pupil committed any of several specified offenses and that other means of correction have failed to improve the pupil's conduct, or that the presence of the pupil constitutes a continuing danger to the physical safety of the pupil or others

This bill would create 2 classes of offenses. For the commission of any of one group of offenses, the governing board would be empowered to order the expulsion of a pupil upon finding that the pupil committed the violation. For the commission of any of the other group of offenses, the governing board would have to meet the requirements of

existing law, outlined above, before expulsion of the pupil could be ordered

(3) Existing law sets forth procedures to be followed when a hearing officer or administrative panel recommends expulsion of a pupil or rejects a recommendation that a pupil be expelled

This bill would eliminate an existing requirement that, upon rejection of a recommendation for expulsion, a pupil be reinstated to classroom instruction by mutual agreement among the principal, parent, or guardian of the pupil, and the pupil. This bill would also provide that if the governing board of a school district accepts the recommendation against expulsion, the pupil would be reinstated immediately to either the classroom which the pupil had been attending prior to suspension, or to any other instructional program, or to a rehabilitation program, or to a combination of these programs, as specified.

(4) Existing law prescribes numerous formulas for the allowance and apportionment of state funds to school districts, including provisions for emergency apportionments which require certain reports of districts which receive the apportionments and require further the county superintendent of schools to perform certain review and followup tasks.

This bill would reappropriate from a specified Budget Act of 1981 appropriation, an amount not to exceed $6,725,000, less a specified amount, to the Superintendent of Public Instruction for allocation to the Stockton Unified School District for the 1981–82 fiscal year for any purpose for which money in the general fund of the district may be used. This bill would also provide for repayment of the money as prescribed by law and would require the district to prepare and submit, as specified, contingency repayment plans at specified dollar levels, by August 31, 1982.

This bill would require that the Superintendent of Public Instruction apportion the money to the district before the required reports and reviews have been made. This bill would, however, require the Superintendent of Public Instruction to comply with specified statutory provisions within 45 days after completion of the Controller's audit of the district's 1981–82 budget The bill would also require the Controller to prepare a report on the financial and budgetary conditions of the district and to perform financial and compliance audits, as specified

This bill would require the district to reimburse the Controller for audits and reviews performed.

(5) Existing law specifies that the governing board of any school district which determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations may request an emergency apportionment through the Superintendent of Public Instruction, subject to specified statutory requirements and repayment provisions.

This bill would appropriate the sum of $230,000 from the General Fund to the Superintendent of Public Instruction for allocation to the Konocti Unified School District and would specify that this apportionment shall be deemed an emergency apportionment made pursuant to specified provisions of existing law This bill would require the superintendent to enter into a contract with the Konocti Unified School District for the allocation and repayment of the appropriation made by this bill pursuant to specified provisions of existing law

(6) This bill would take effect immediately as an urgency statute.

Ch 319 (SB 1589) Craven. Local government assessment and taxation

(1) Existing law requires that a statement and a map or plat indicating the boundaries of a local entity be filed on or before January 1 of the year in which assessments or taxes are to be levied on territory within the boundaries of the entity, but does permit the entity to borrow sufficient funds to cover anticipated revenues which would have been collected within the territory for that fiscal year only and to levy an assessment or a tax in future years in the amount necessary to repay those loans.

This bill would, instead, provide that the formation of a fire protection district or a county service area on specified dates would be effective for assessment and taxation purposes for the 1982–83 fiscal year if the required statements and map or plat are filed on specified dates.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The provisions of this bill would take effect immediately as an urgency statute.

Ch 320 (AB 3507) Young. First-time home buyers. bonds.

(1) Existing law does not authorize the California Housing Finance Agency to contract with qualified mortgage lenders to pay a sum of money as consideration for a reduction of the effective interest cost to the purchasers of owner-occupied housing units below market interest rates.

This bill would enact provisions authorizing the agency to participate in "buy-down mortgage plans," as defined, in accordance with specified criteria. Under such plans, the agency would contract with qualified mortgage lenders, as defined, and pay to those lenders an amount of money in order to reduce the effective interest cost on loans made by those lenders to first-time home buyers, as defined, of owner-occupied housing units, as defined, which amount the first-time home buyer would ultimately be required to repay to the agency. Under the program, the term of loans made by the lenders could not be for less than 6 or more than 30 years, and provision would be made for refinancing those loans made for a term of less than 30 years.

The bill would create a First-Time Home Buyers Policy Committee within the California Housing Finance Agency, composed of specified members, and would authorize the committee to adopt regulations to carry out the provisions which would be added by the bill. The bill would also create the First-Time Home Buyers Fund which would be continuously appropriated to the agency for the purposes of the bill

(2) The bill would, if adopted by the voters, authorize the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $200,000,000 for purposes of implementing the buy-down mortgage program.

(3) Under existing law, the California Housing Finance Fund is not subject to the supervision or budgetary approval of any officer or division of state government.

This bill would similarly provide that the First-Time Home Buyers Fund is not subject to the supervision or budgetary approval of any officer or division of state government.

(4) Existing federal law contains a limitation upon the amount of public bonds, interest upon which is exempt from federal income taxation, that may be issued annually in any state to finance loans for owner-occupied residences, as specified. Existing state law specifies a formula for allocation of the state ceiling among various governmental units in the state.

This bill would specifically include the bonds authorized to be issued pursuant to this bill within the amount allocated to the California Housing Finance Agency.

(5) This bill would take effect immediately as an urgency statute.

Ch 321 (SB 1335) Foran. Transportation funding

(1) Under existing law, an amount equal to $110,000,000, with specified adjustments, is transferred annually from the Retail Sales Fund to the Transportation Planning and Development Account in the State Transportation Fund. One-half of that amount, after appropriation for specified purposes, is to be appropriated, commencing with the 1982–83 fiscal year, to the Secretary of the Business, Transportation and Housing Agency for allocation to transportation planning agencies and county transportation commissions, and to the San Diego Metropolitan Transit Development Board, on the basis of 2 population criteria.

Those entities are to allocate their allocations, which are deposited in their state transit assistance funds, to operators for public transportation purposes and, under specified circumstances, to counties and cities for specified transportation purposes.

This bill, with respect to any portion of that amount appropriated, would require 42% to be allocated to those entities, on a population basis, for subsequent allocation to operators, counties, and cities; 18% to be allocated to those entities for reallocation to each operator on the basis of its revenue, as defined, to the total revenue of all operators; and the remaining amount to be allocated for specified planning and administration, for bus and passenger rail services contracted for by the Department of Transportation, and

for specified types of transit capital improvement projects

The bill, with respect to funds appropriated pursuant to Section 71 of Chapter 161 of the Statutes of 1979 that were allocated by the secretary, on the basis of 2 population criteria, for expenditure in any county where money in its local transportation fund may be allocated for street and road purposes, would authorize those funds to be encumbered for street and road purposes until July 1, 1984

(2) Under existing law, counties and cities, under specified circumstances, are authorized to use the allocated funds for specified transportation purposes.

This bill would authorize those counties and cities to also use the allocated funds for street and road purposes.

(3) Under existing law, there is no specific authorization to allocate appropriated funds from the account for bus rehabilitation.

This bill would provide that specific authorization.

(4) The bill would appropriate to the secretary $193,000,000 from the account for allocation, in the amounts specified for the 1982–83 and 1983–84 fiscal years, to those entities.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(6) The bill would take effect immediately as an urgency statute, to be operative, with one exception, July 1, 1982.

Ch. 322 (AB 2551) Young. Transportation funding.

(1) Under existing law, an amount equal to $110,000,000, with specified adjustments, is transferred annually from the Retail Sales Fund to the Transportation Planning and Development Account in the State Transportation Fund. One-half of that amount, after appropriation for specified purposes, is to be appropriated, commencing with the 1982–83 fiscal year, to the Secretary of the Business, Transportation and Housing Agency for allocation to transportation planning agencies and county transportation commissions, and to the San Diego Metropolitan Transit Development Board, on the basis of 2 population criteria.

Those entities are required to allocate their allocations, which are deposited in their state transit assistance funds, to operators for public transportation purposes and, under specified circumstances, to counties and cities for specified transportation purposes

This bill, with respect to any portion of that amount appropriated, would require 42% to be allocated to those entities, on a population basis, for subsequent allocation to operators, counties, and cities; 18% to be allocated to those entities for reallocation to each operator on the basis of its revenue, as defined, to the total revenue of all operators; and the remaining amount to be allocated for specified planning and administration, for bus and passenger rail services contracted for by the Department of Transportation, and for specified types of transit capital improvement projects

The bill, with respect to funds appropriated pursuant to Section 71 of Chapter 161 of the Statutes of 1979 that were allocated by the secretary, on the basis of 2 population criteria, for expenditure in any county where money in its local transportation fund may be allocated for street and road purposes, would authorize those funds to be encumbered for street and road purposes until July 1, 1984

(2) Under existing law, counties and cities, under specified circumstances, are authorized to use the allocated funds for specified transportation purposes.

This bill would authorize those counties and cities to also use the allocated funds for street and road purposes.

(3) Under existing law, there is no specific authorization to allocate appropriated funds from the account for bus rehabilitation.

This bill would provide that specific authorization.

(4) The bill would appropriate to the secretary $193,000,000 from the account for allocation, in the amounts specified for the 1982–83 and 1983–84 fiscal years, to those entities

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) This bill would provide that, notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) The bill would take effect immediately as an urgency statute, to be operative, with one exception, July 1, 1982.

Ch 323 (AB 2433) Hallett. Court personnel. San Luis Obispo County.

Existing law sets forth the number, classification, and compensation of the municipal court in San Luis Obispo County.

This bill would revise the number, classification and compensation of municipal court personnel in San Luis Obispo County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 324 (SB 1799) Keene State forests: economic emergencies timber sales contracts

Under existing law, the Director of Forestry may enter into contracts for the cutting and sale of timber and other forest products from state forests

This bill would extend, at the request of the purchaser of timber, all contracts for the sale of timber products from state forests awarded during calendar years 1979, 1980, and 1981, which were in effect on June 30, 1982 through October 31, 1983, ~~on~~ [under]* specified terms and conditions. The bill would also make legislative findings in that regard.

The bill would take effect immediately as an urgency statute ~~and would be repealed on December 31, 1983, unless a later enacted statute chaptered before that date extends that date~~*

Ch. 325 (AB 2315) Lockyer. Aid to Families with Dependent Children—Foster Care (AFDC-FC)

Existing law provides that Aid to Families with Dependent Children—Foster Care (AFDC-FC) payments made on behalf of eligible children placed in foster care, shall be limited to a period of 6 months for those children voluntarily placed in foster care after January 1, 1981.

This bill would exempt from this 6-month limitation, severely emotionally disturbed children placed voluntarily in foster care who meet specified criteria.

The bill would provide for administrative reviews, as defined, to be held at 6-month intervals. The functions of the administrative review would include providing for termination of the voluntary placement unless a finding is made that a substantial risk to the physical or well-being of the child would be created by terminating the placement.

The bill would also require that written assessments and service plans which are required to be developed by the responsible agency for children receiving AFDC-FC payments, shall, in the case of emotionally disturbed children placed voluntarily in foster care, be encouraged to be developed in coordination with a county mental health department or a mental health professional.

Existing law provides for child welfare services to be provided by counties to children,

including children placed in foster care.

This bill would provide that severely emotionally disturbed children placed in foster care shall not be limited to receiving of child welfare services only for specified time periods.

The bill would provide that the foregoing provisions would be repealed on January 1, 1984.

The bill would provide that the State Department of Mental Health, subject to the approval of the State Department of Social Services, and in consultation with the California Conference of Local Mental Health Directors, the County Welfare Directors Association, and the California Association of Services for Children, would be required to submit a final report to the Legislature no later than January 1, 1983, with an interim report to be submitted by October 1, 1982, concerning existing and potential social services for emotionally disturbed children.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch. 326 (AB 21) Vasconcellos Budget

Makes appropriations for support of state government for the 1982–83 fiscal year.

To take effect immediately, urgency statute.

Ch. 327 (SB 1326) Alquist. Fiscal affairs.

The Budget Act of 1982 contains various items of expenditure or control for both the support of state government and for local assistance. Numerous provisions in the Budget Act of 1982 require changes in statutory law in order to be implemented or funded, or both.

This bill, which would become operative only if the Budget Act of 1982 is enacted, would enact numerous changes in the statutory law which, in the aggregate, would implement and support the level of expenditures in the Budget Act of 1982.

This bill would take effect immediately as an urgency statute.

Ch. 328 (AB 799) Robinson. Public assistance.

Under existing law, the board of supervisors of each county, prior to closing, leasing, selling or transferring a county health facility or eliminating or reducing county health services, is required to file a plan for providing the eliminated services or facilities through alternative means, with the State Department of Health Services and the appropriate areawide voluntary health planning agency. The department is required to make certain determinations relating to these plans which are filed by a county having a population in excess of 6,000,000 residents. The county is also required to hold a noticed public hearing and make certain findings.

The bill would eliminate the requirement to file the above plan, would reduce the time required for notice of a county's public hearing from 90 days to 30 days, and would require that the notice contain a detailed list of the proposed changes

Existing law provides for the Medi-Cal program, under which health services are provided to various categories of low-income and indigent recipients.

Under existing law, one of the categories of recipients under this program is the medically indigent.

This bill would provide that, commencing January 1, 1983, persons eligible under the medically indigent category shall be limited to children under 21 years of age, and adults residing in skilled nursing and intermediate care facilities The bill further provides for the allocation of state funds to the counties to assist them in meeting additional costs due to this change in eligibility.

Existing law provides that one of the categories of recipients under the Medi-Cal program is that of medically needy persons. Under that category, aged, blind and disabled persons receive an additional income exemption from amounts used to determine

eligibility, in addition to that given for all medically needy persons

This bill would eliminate this exemption

Existing law provides that specified categories of persons under the Medi-Cal program shall receive an exemption of real property, other than property used for the recipient's dwelling, which has a market value of $25,000, not including any encumbrances on the property, for purposes of computing eligibility under the Medi-Cal program

This bill would decrease this exemption to real property with a market value of $6,000, minus encumbrances, instead of $25,000

With certain exceptions, existing law, in fixing the eligibility of medically needy and medically indigent recipients, sets the income limitation at 115% of the aid to needy family program's highest payments

This bill would reduce this standard to the lowest levels at which federal financial participation will still be provided.

Existing law provides that the issuance of a Medi-Cal card shall be deemed to be valid for purposes of obtaining reimbursement or services under the program for a period of 3 months prior to the month of application, if the recipient would have been eligible.

This bill would provide that retroactive eligibility shall not be applied to specified adults eligible under the medically indigent person category, nor to persons who become eligible under the program by satisfying requirements for reducing or converting property assets.

Existing law requires that, for purposes of eligibility determination, a parent shall be responsible for the health care needs of a child under 18 years of age

This bill would also require parental responsibility for children over 18 years of age who are claimed by their parents as dependents for purposes of receiving credits or deductions for purposes of state or federal income taxation, and to the extent permitted by federal law, parental financial responsibility for any child living in his or her parents' home who is at least 18 years of age but under the age of 21

Existing law provides for the Aid to Families with Dependent Children program, under which needy families with dependent children are provided with cash assistance. Families receiving assistance under this program are currently eligible for the Medi-Cal program

This bill, commencing on January 1, 1983, would make ineligible for the Medi-Cal program, those families receiving cash assistance due to unemployment in those cases where the state does not receive federal funding as reimbursement for part of the cost of the cash assistance

Under existing law, with the exception of prepaid health plans, the Medi-Cal program is basically conducted on a fee-for-service basis, with recipients having a free choice of providers or prepaid health plans

This bill would provide the state with various options for arranging for health services under the Medi-Cal program. The department would have authority to enter into contracts with individual and group providers or with primary care physicians in such a way as to achieve case management.

The bill also provides for other options for arranging for services which shall be a responsibility of a negotiator who shall be an employee in the Governor's office for a one-year period commencing July 1, 1982 The bill would allow the negotiator to contract with. (1) hospitals on an individual or group basis under such terms and at such rates as would be fixed either by negotiations or competitive bidding, (2) with a county whereupon the latter would conduct the program within its jurisdiction in accordance with state requirements, or (3) within a county, with various types of organizations to provide services within that county.

The bill would provide that existing reimbursement policy shall be used for determining reimbursement rates for hospitals prior to such time as contract arrangements by or the lack thereof, are implemented.

Existing law provides that under specified conditions, a provider of services under the Medi-Cal program shall be suspended from program participation.

This bill would specify additional circumstances under which a provider would be required to be suspended from program participation.

Existing law provides for a hearing requirement which must be satisfied prior to suspending or terminating a health care provider from participation in the Medi-Cal program.

This bill would provide that a hearing shall not be necessary under specified circumstances.

Existing law provides that a copayment of $1 is collectable for every prescription drug dispensed under the program, but exempts from this provision various classes of recipients

This bill would provide that this copayment of $1 shall, as a condition for reimbursement, be collected from Medi-Cal recipients

Existing law provides that under the Medi-Cal program, each county shall determine eligibility of recipients under the program.

The bill further requires, that, to the extent permitted by federal law, eligibility under the Medi-Cal program shall not be granted until independent documentation concerning various types of income and resources of the applicant is received, with a signed statement by the applicant deemed to be verification of required information in those cases where independent documentation is unavailable.

The bill would further provide that, commencing with the 1983–84 fiscal year, the Director of Health Services shall hold counties ineligible for payments made on behalf of eligible persons or persons with an incorrect share of costs pursuant to establishment of a dollar-error rate, as specified

The bill would add to the schedule of benefits provided under the Medi-Cal program, in-home nursing services, under specified circumstances

Existing law provides various requirements concerning audits undertaken by the State Department of Health Services of health care providers under the Medi-Cal program, including provisions relating to actions which must be taken where it has been found either that a provider has been underpaid or overpaid.

This bill would make various modifications to these provisions.

The bill also contains provisions requiring tightening of utilization controls for services provided under the program, including a provision requiring the State Director of Health Services to establish conditions which shall ensure that those medical or surgical procedures which are capable of performance in an outpatient setting, are performed in such a setting where medically appropriate

The bill provides that the State Department of Health Services shall take various actions concerning the Medi-Cal program, including a reduction of reimbursement rates to physicians, psychologists, and hospitals for outpatient services, for acupuncture treatment services, chiropractic services, portable x-ray services, and other assistive devices by 10%, tightening of utilization controls for various types of services offered under the program, elimination of unnecessary drugs from the Medi-Cal drug formulary, reducing expenditures for adult dental services by 10 %, eliminating coverage of hearing aid batteries and reduce the rates of reimbursement for fitting and dispensing of hearing aids by 10%, reducing rates of reimbursement, with specified exceptions for drug dispensing services by 9.6%, reducing reimbursement rates for laboratory and pathology services, as specified, by 25%, limiting coverage of vision care services, as specified, limiting coverage of eyeglasses to specified situations, and tightening of utilization controls for podiatric and therapist services.

The bill also requires the Director of Mental Health to take specified actions to limit expenditures under the Short-Doyle Act

The bill would further authorize the State Department of Health Services to enter into exclusive or nonexclusive contracts, either on a bid or nonbid basis, with suppliers of drugs, medical supplies, durable medical equipment, and other product-type health care services, as well as laboratories, for the purpose of obtaining the most favorable prices and quality for services under the Medi-Cal program

The bill further provides greater incentives for participation of health maintenance organizations and prepaid health plans under the Medi-Cal program, including authority for the State Department of Health Services to grant rate differential to cost-effective health maintenance organizations and prepaid health plans, and authority to allow these organizations to provide additional services beyond those provided for under the Medi-Cal program to Medi-Cal beneficiaries

The bill would provide for enactment of emergency regulations which shall become effective upon their being filed with the Secretary of State for provisions of this act relating to the Medi-Cal program, and the bill would exempt these regulations from review by the Office of Administrative Law.

The bill would, to the extent necessary to carry out the provisions of the bill, provide that the State Department of Health Services would be exempt from the executive order which currently prohibits state agencies or departments from hiring, promoting or transferring employees.

The bill would appropriate from the General Fund, without regard to fiscal year, a sum not to exceed $750,000 for the support of the special hospital negotiator established under the bill.

The bill would provide that its provisions would not become effective unless and until AB 3480 and the Budget Act are enacted during the 1982 portion of the 1981–82 Regular Session

The bill would take effect immediately as an urgency statute.

Ch. 329 (AB 3480) Robinson. Health services

Existing law provides for a California Health Facilities Commission, composed of 15 members.

This bill would repeal the existing provision creating the commission and enact new provisions creating a commission, composed of 9 members

Under present law, the existing commission is charged with responsibility for administering the requirements for uniform cost accounting and reporting for health facilities in the California Health Facilities Disclosure Act.

This bill would revise provisions respecting health facility cost accounting, budgeting, and reporting requirements.

Existing law provides that no hospital service contract shall be entered into between a subscriber and a corporation proposing to furnish or provide any one or more of specified services unless certain specified requirements are met. Those requirements include, but are not limited to, a requirement that, except for a comprehensive health care service contract, as specified, the contract for hospital services shall contain a provision specifying the right of any individual to select the contracting hospital or to make a free choice of his or her attending physician

This bill would create an exception to the aforementioned requirement when a plan has negotiated and entered into contracts for alternative rates of payment with institutional providers, and the plan also offers the benefits of the alternative rates to group contractors who select such providers. The bill would also apply the existing requirements and the exception with respect to both professional and institutional providers on and after July 1, 1983.

Existing law provides for direct payment of group insurance medical benefits by a disability insurer, as specified. However, existing law also provides that such provisions shall not be construed to authorize an insurer to furnish services of hospitals, or physicians and surgeons or in any manner to direct, participate in or control the selection of the hospital or physician and surgeon from whom the insured secured services.

This bill would, as an exception to the above, provide that an insurer may negotiate and enter into contracts for alternative rates of payment with institutional providers, and offer the benefit of such alternative rates to insurers to select such providers Alternatively, insurers may, by agreement with group policyholders, limit payments under a policy to services secured by insured from institutional providers charging alternative rates pursuant to contract with such insurer These provisions would also be applicable with respect to both professional and institutional providers on and after July 1, 1983

Existing law provides that any incorporated insurer admitted for disability insurance and any agent of such insurer, that makes or permits any discrimination between insureds of the same class in any manner whatsoever with relation to that insurance company, is guilty of a misdemeanor

This bill would additionally provide that the payment to insureds by an insurer of alternative rates of payment negotiated in contracted for with institutional providers shall not constitute a violation of such provisions. Additionally, on or after July 1, 1983, that provision would also be applicable with respect to both professional and institutional providers

Existing law provides for the Medi-Cal program under which health care services are provided to low-income and indigent recipients. The program is administered by the State Department of Health Services, with the primary means of provision of services

being on a fee-for-service basis with bills being submitted by providers to a state fiscal intermediary.

This bill would provide for the creation of the California Medical Assistance Commission for the purpose of contracting with health care delivery systems in order to provide health care services to Medi-Cal recipients.

The bill contains provisions setting forth the composition of the commission, as well as the manner in which appointments thereto are to be made.

The bill provides that the commission shall, commencing July 1, 1983, have the duty of carrying out various provisions under the Medi-Cal program concerning entering into contracts with hospitals and other health care providers and health delivery systems for provision of Medi-Cal services, including those duties which, prior to July 1, 1983, would be performed by a negotiator

The bill would provide that prior to July 1, 1983, the commission shall monitor and review the performance of these duties.

The bill further provides that the commission shall report to the Legislature on January 1, and May 1, of each year, as specified.

The bill would specify that its provisions shall only become effective if Assembly Bill 799 is enacted during the 1982 portion of the 1981–82 Regular Session

Ch. 330 (SB 46) Russell. Public Employees' Retirement System benefits.

(1) Existing Public Employees' Retirement Law includes classified school employees in the Public Employees' Retirement System as school members or local miscellaneous members employed by a school district.

Under the Public Employees' Retirement Law, most school districts are compulsory public agency members of the Public Employees' Retirement System School members are entitled to the benefits provided for state miscellaneous members except when specifically excluded.

This bill would terminate existing contracts with regard to specified school employers which are contracting agencies, establish school members as a separate membership classification, and make related changes in various provisions of the Public Employees' Retirement Law, to become operative on July 1, 1983

(2) Existing law provides for the continuance of a portion of the retirement allowance to the survivors of certain state members

The bill would provide for the continuance of a portion of the retirement allowance to the survivors of certain school members and would provide for a specified increase in such allowance to certain retired school members, to become operative July 1, 1983.

(3) The existing law prescribes the rates of the state's employer contributions, provides for the setting by the board of employer contribution rates for contracting agencies, and prescribes various conditions and limitations upon the use of various funds and accounts

This bill would authorize the board, whenever it determines that there is in any account a temporary excess of assets over actuarial liabilities, to utilize all or any portion thereof to reduce that employers' contributions for a time period determined by the board, require the board to annually review state employer accounts and report thereon to the Legislature, and prohibit such excess funds from being available for any other purpose, and these provisions ~~would become operative on July 1, 1982, and*~~ would self-repeal on June 30, 1984.

This bill would also authorize the board, if it determines that an allocation or transfer of funds would not adversely affect the system's actuarial integrity, to reduce at any time, contributions of the state, a school employer, or a contracting agency for a prescribed period of time, as specified, this authorization would be operative on July 1, 1982.

(4) Existing law requires income earned on the retirement fund, in excess of the interest credited to contributions during that year, to be retained as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

This bill would, operative July 1, 1982, delete "other contingencies" as a purpose for which the reserve is retained; and provide that no funds therein shall be available for the payment of benefits If there remains in the reserve an amount in excess of 1% of the total assets of the system at the end of each fiscal year, that amount would be required to be credited to other accounts, as specified

(5) The Public Employees' Retirement Law presently requires the transfer of all funds in the reserve for deficiencies maintained in the Public Employees' Retirement Fund in excess of 2% of its total assets, for purposes of quarterly increases, as specified by the board, in the monthly allowances from October 1, 1980, through September 30, 1982, whenever the board determines that sufficient funds exist for this purpose The amount is appropriated without regard to fiscal years. The actual amount of increase is subject to specified limitations. The foregoing provisions will be repealed as of January 1, 1983.

The Public Employees' Retirement Law also presently authorizes cost-of-living adjustments not to exceed 2% per year and, in addition, authorizes contracting agencies to elect to increase this adjustment to 5% per year and requires the board to credit all contributions of members, retired members, the state, and contracting agencies in the retirement fund with interest at the current annual interest rate, compounded at each June 30th.

This bill would add additional provisions to that law, which would become operative on July 1, 1982, and would require the transfer of $130,000,000 from the reserve for deficiencies to a special account which would be appropriated to the board without regard to fiscal years, for use solely for purposes of paying additional quarterly increases of 10% of the quarterly allowance by the Board of Administration of the Public Employees' Retirement System, in the monthly allowances for the period from October 1, 1982, through September 30, 1984, whenever the board determines that sufficient funds exist for this purpose

This bill also would: (a) prohibit, [operative July 1, 1983,]* for purposes of annual crediting to contributions of members and retired members, the current annual interest rate from being less than the current actuarial interest rate; (b) define, operative July 1, 1983, "net earnings" as the earnings of the retirement fund less the administrative expenses and the allocation to the reserve against deficiencies; (c) require, operative July 1, 1983, that contributions of the state, school employers, and contracting agencies be annually credited, instead, with interest at the net earnings rate compounded at each June 30th; (d) authorize, operative on July 1, 1982, the board, from time to time, to credit to contributions of members, retired members, the state, and contracting agencies such added interest as it deems proper based on earnings on investments in the current and prior years; (e) require the board to establish in the retirement fund, for a specified period of time, an Investment Dividend Disbursement Account or such subaccounts as the board may establish, consisting of that amount of the fund's earnings which remain after administrative expenses, crediting to contributions, and allocation to the reserve against deficiencies, (f) authorize use of the account, for a specified period of time, to increase all monthly allowances to an amount equal to a maximum of 75% of their initial purchasing power or, when insufficient funds are available therefor, require adjustments, and authorize the board, for reasons of insufficient funds, to determine that no increase shall be made; (g) appropriate the amount specified in (e) to the board without regard to fiscal years, require the board, when there are sufficient funds, to apply the funds to the increases, and provide for retention of excess funds and reversion, as specified; (h) require the board to inform recipients that the increases are not cumulative, not part of the base retirement allowance, and may be available for only a limited period and that the board may discontinue the increases; and (i) require the board, on January 1, 1984, and upon the commencement of each quarter thereafter, to pay the benefits for the succeeding quarter.

(6) This bill would also provide that item (2) above, the third paragraph of item (5) above, and subdivisions ~~(d)~~ [(e)]* through ~~(g)~~ [(i)]* of the fourth paragraph of item (5) above shall become operative after the board of administration has: (a) reduced employer contribution rates for 1982–83 in the manner authorized at a specified meeting, (b) reduced the reserve against deficiencies to levels specified in item (5) above, and (c) utilized additional interest earnings credited to employer accounts, as specified, to further reduce employer contribution rates for 1982–83

(7) The state and school employers' rates of contribution to the retirement fund are prescribed by various provisions and appropriated monthly.

The bill would prescribe reduced contribution rates commencing with fiscal year 1982–83 and thereafter.

(8) The bill would provide for severability of any invalid provisions.

(9) This bill would make other, related, and technical changes.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(11) The bill would appropriate $214,000,000† from the Public Employees' Retirement Fund to the Board of Administration of the Public Employees' Retirement System to administer the act

(12) This bill would take effect immediately as an urgency statute

Ch 331 (SB 1311) Johnson. Fines

Under existing law, $35 of the moneys deposited with the county treasurer for fines imposed as a result of the conviction of violation of certain Vehicle Code sections are required to be deposited in a special account to be used for the cost of performing analysis of blood, breath, or urine for alcohol content or for the presence of controlled substances, or for criminalistic laboratory services related to the testing, as specified. This law will be repealed July 1, 1982

This bill would (1) eliminate the July 1, 1982, expiration date, (2) increase the amount of the moneys that may be so deposited to $50 and increase the minimum fine that may be imposed for a violation of the specified Vehicle Code sections by $15, (3) provide that the specified testing may be for the presence of drugs, rather than controlled substances and that the moneys may be used for any laboratory services related to the testing, and (4) make technical changes

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

The bill also would take effect immediately as an urgency statute.

Ch. 332 (AB 3383) Vasconcellos Mediterranean fruit fly. funding

(1) This bill would create the Mediterranean Fruit Fly Claims Fund in the State Treasury and would declare that it is the intent of the Legislature that the fund be the exclusive source of moneys for the payment of claims, settlements, or judgments arising from the state's effort, as specified, to eradicate the Mediterranean fruit fly. Moneys in the fund would be continuously appropriated to the State Board of Control to pay these claims, settlements, and judgments The board would be required to reject all claims for personal injury or wrongful death arising from the eradication activities, thereby requiring these claimants to file court actions to obtain relief against the state. The board would also be required to report specified information to the Legislature on the claims approved by the board which are paid from the fund. The payment of claims for automobile or truck paint damage would be limited to the amount of $689 or 20% of the current value of the vehicle, whichever is less, per claim The bill would appropriate $4,150,000 from the General Fund to the Director of Finance to be allocated in specified amounts to the Mediterranean Fruit Fly Claims Fund and to the State Board of Control for costs incurred in processing claims arising from the eradication effort.

(2) Existing law requires that $50,000,000 in the General Fund moneys appropriated in 1981 to fund the Mediterranean fruit fly eradication effort be reduced by the amount of any federal funds received to assist the state in carrying out that effort.

This bill would repeal that requirement and instead require that any of the $50,000,000 which has not been either encumbered for a specific expense or retained for contingency purposes to wind up the eradication program by the date on which the Director of Food and Agriculture announces that the eradication effort is complete shall revert

† Appropriation reduced to $214,000 by action of the Governor.

to the General Fund.

(3) The bill would take effect immediately as an urgency statute

Ch 333 (SB 1569) Campbell. Counties. budget: revisions

Existing law authorizes a county board of supervisors to make transfers and revisions with respect to appropriations specified in the adopted county budget, and to designate a county officer to approve transfers and revisions within an appropriation.

This bill would permit the board of supervisors to authorize a designated county officer to approve transfers and revisions of appropriations, objects, and subobjects within a budget unit.

Ch 334 (SB 1921) Johnson North Tahoe Public Utility District.

Under existing law, the Tahoe City Public Utility District may, due to specified unique circumstances, use the aggregate of surplus funds from assessments for the construction of various sewer system improvements for purposes of maintenance of any part of its sewer system without regard to the portion of the system for which the funds were originally assessed.

This bill would extend this authorization to the North Tahoe Public Utility District based on similar unique circumstances applicable to this district

Ch 335 (SB 1901) Craven. Borrego Water District.

Under existing law, water districts with prescribed powers may be organized under the California Water District Law

This bill would authorize only the Borrego Water District to exercise the powers of a mosquito abatement district or vector control district for the purpose of providing mosquito abatement and vector control services to the lands and inhabitants of the district The bill would authorize the district for that purpose to levy charges and establish zones of benefit and would specify related matters. The bill would make legislative findings and declarations in this connection.

Ch 336 (SB 1795) Boatwright Bethel Island Municipal Improvement District. regulations

Under existing law, there is a Bethel Island Municipal Improvement District, having prescribed boundaries, and an elective governing board with the power, among others, to make and enforce regulations for the removal of garbage and refuse and the supplying of sewage, water, storm water and reclamation service

The law currently makes the violation of any such regulation of the district a misdemeanor

This bill would, instead, make the violation of a regulation of the district an infraction.

Ch 337 (SB 1958) Alquist. Counties unbudgeted appropriations.

Existing law authorizes a county board of supervisors, by a ⅘ vote of the board at any noticed public hearing held as part of a regular or special meeting of which all members have had reasonable notice, to appropriate unbudgeted revenues from any source during the fiscal year

This bill would allow the board to take such action at any regular meeting, or at any special meeting of which public notice has been given

The bill would take effect immediately as an urgency statute

Ch 338 (AB 1655) Lockyer Occupational safety and health. railroads.

Existing law grants the Division of Occupational Safety and Health jurisdiction over, among other things, the safety of employees of electric interurban or street railroads who are employed in the generation, transmission, or distribution of electric energy, in shops devoted to the repair of railroad equipment, or in any nonpublic utility operation of such railroads

This bill would extend the division's jurisdiction to the occupational safety and health of employees of rail rapid transit systems, electric interurban railroads, or street railroads

This bill would also state the intent of the Legislature in this regard

Ch. 339 (AB 1700) Frizzelle Public social services

Existing statutory law does not provide that certification by the Department of Finance as to the availability of funds and other information shall be obtained prior to changes in benefits or levels of service being granted under public assistance programs, including the Medi-Cal program, which are permitted, but not required, by the federal government.

This bill would so require when the changed benefit or level of service would annually change program or county administrative costs funded from the General Fund in an amount in excess of $500,000 on an annual basis.

The bill would also require that the Department of Finance may not approve any expenditure, as mentioned above, until at least 30 days after the information required by this bill has been provided to the chairman of the committee of each house which considers appropriations and the Chairman of the Joint Legislative Budget Committee.

Ch. 340 (AB 2296) Baker Limitation of action.

Under existing law, a civil action for taking, detaining, or injuring goods or chattels, including actions for the specific recovery of personal property, must be commenced within 3 years.

This bill would specify that the cause of action in the case of theft of art or artifacts would not accrue until the discovery of the whereabouts of the item, as specified

Ch. 341 (SB 1979) Robbins Insurance.

In defining group credit life insurance, existing law provides, among other things, that the group number not less than 100 new entrants yearly, the amount insured on any one borrower or purchaser does not exceed a specified amount, and the repayment or payment of purchase prices is to be made, under the agreement of loan or purchase, in substantially equal installments over a period not exceeding 32 years or in payments or installments in accordance with the usual terms of the creditor in the case of a revolving loan, or revolving charge account, as specified

This bill would additionally provide that the group, in the case of a credit union, number not less than 50 borrowers yearly It would also provide with respect to the amount insured on any one borrower or purchaser that the repayment or payment of purchase price be made in substantially equal installments over a period not exceeding 40 years, or in installments that may vary according to the terms of the signed agreement, or in payments or installments in accordance with the usual terms of the creditor in the case of an open-ended agreement to extend credit, as specified

Existing law also defines, as a form of group life insurance, policies issued to certain credit unions and covering the members thereof and requires, among other things, that the amount insured on any one borrower does not exceed the balance of the indebtedness to the credit union and does not exceed $50,000 on any one life.

This bill would delete such provision.

Ch. 342 (AB 3100) Roos. Department of Consumer Affairs: deficiency appropriation.

Item 984-001-494 of the Budget Act of 1981, among other things, provides that no deficiencies shall be authorized by the Director of Finance in any appropriation of money from special funds made by the Budget Act for the 1981–82 fiscal year.

This bill would, notwithstanding that provision, appropriate various specified sums of money, or so much thereof as may be necessary, from the unencumbered balances of various special funds to certain boards and committees in the Department of Consumer Affairs, to meet contingencies and emergencies during the 1981–82 fiscal year.

This bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state

Ch. 343 (AB 133) Lehman. Community Colleges.

(1) Existing law authorizes a community college district, which determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditures, to request an emergency apportionment, subject to specified requirements and repayment provisions. Existing law specifies that an emergency apportionment shall be repaid to the state over a three year period, as specified.

This bill would repeal the provisions of existing law relating to the repayment of emergency apportionments over the specified time period

This bill would specify that for each of three fiscal years, the Controller shall deduct,

from apportionments paid to a community college district, an amount not less than one-third of the amount actually allocated to the district pursuant to the emergency apportionment provisions, together with interest, as specified, to be reapportioned in a specified manner

(2) Existing law requires the Chancellor of the California Community Colleges withhold from the apportionments to be made to a community college district from a specified fund in each year, an amount equal to the amount which becomes due in the fiscal year

This bill would repeal the provisions of existing law

(3) This bill would appropriate from funds apportioned to Section B of the State School Fund for the 1981–82 fiscal year, a sum not to exceed $750,000 for allocation to the Compton Community College District for the 1982–83 fiscal year as an emergency apportionment pursuant to the provisions of existing law.

This bill would specify that the effect of any deficit in the state general apportionments to community college districts in the 1981–82 fiscal year created by this reapportionment shall be excluded from the computation of community college district base revenues in the 1982–83 fiscal year

(4) This bill would take effect immediately as an urgency statute

Ch. 344 (AB 2809) Katz. Motor vehicles· parking· removal from highway.

Existing law specifies when a peace officer or a regularly employed and salaried employee of a city or county may remove a vehicle from a highway.

This bill would, additionally, authorize a peace officer or employee of a city or county to remove from a highway any unattended vehicle with a registration expiration date in excess of 1 year before the date it is found on the highway.

Ch 345 (AB 3287) Leonard County highways termination of maintenance.

Under existing law, when a county board of supervisors terminates the maintenance of a county highway, the county is required to post signs clearly visible from the traveled highway at the beginning and end of the highway and at any intersection on the highway indicating that the county no longer maintains the highway The county is required to provide adequate maintenance to ensure that the signs remain posted in the appropriate places and the message is legible.

This bill would instead require signs to be posted at each intersection of the highway for which maintenance is terminated with a maintained highway and require the message on the signs to be legible for a period of 1 year

Ch. 346 (AB 2354) Vicencia State Compensation Insurance Fund.

Existing law authorizes each member of the board of directors of the State Compensation Insurance Fund, with a specified exception, to receive $25 for each day of actual attendance at meetings of the board

This bill would increase that amount to $50.

Ch 347 (AB 2406) Greene. Parole

Existing law requires the Department of Corrections to provide, within 10 days, upon request to the chief of police of a city or the sheriff of a county, information available to the department, including photographs, concerning persons then on parole who are or may be residing or temporarily domiciled in that city or county

This bill would authorize a chief of police or sheriff to request and receive relevant information concerning persons when on parole who are or may be residing or temporarily domiciled in that city or county and who have been convicted of a federal crime which could have been prosecuted as a felony under the penal provisions of this state.

The bill would take effect immediately as an urgency statute.

Ch 348 (AB 2464) McAlister. Savings and loan associations.

Existing law defines what constitutes a branch or service office of a savings and loan association for the purposes of the Savings and Loan Association Law

This bill would revise these definitions, as specified.

Existing law regulates the amount and types of property a savings and loan association may invest in, hold, buy, and sell

This bill would permit a savings and loan association to invest in, hold, buy and sell

open-end investment company shares, as specified

Existing law provides that a savings and loan association, in addition to loans in which it may invest under specified provisions of law, may invest an amount not exceeding the greater of its statutory net worth or 5% of its assets in loans, the principal purpose of which is to provide financing with respect to what is or is expected to become primarily residential real estate, as specified.

This bill would make a clarifying technical change in the above provisions.

The bill would also incorporate changes to Section 6702 of the Financial Code to become operative only if this bill and AB 3539 are both chaptered and become effective January 1, 1983.

Ch. 349 (AB 2471) Lancaster. Vehicles: rules of the road. right-of-way.

Under existing law, generally, when 2 vehicles enter an intersection from different highways at the same time, the driver on the left is required to yield the right-of-way to the driver of the vehicle on his right, with specified exceptions.

This bill would add an exception to that general requirement by requiring the driver of a vehicle on a terminating highway, as defined in the bill, to yield the right-of-way to the driver of any vehicle on the intersecting continuing cross highway.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 350 (AB 2692) La Follette Prisoners.

Existing law provides for payment by a prisoner out of his earnings of the costs of administration of the work furlough program which are allocable to him.

This bill would provide that if he is unable to pay such sum, he may be required to pay such lesser sum as is reasonable.

Existing law provides for payment, as specified, of administration fees by prisoners who have the ability to pay who are sentenced to serve a county jail or other specified sentence on weekends or similar weekday periods.

This bill would additionally provide for a hearing and provide additional criteria relative to ability to pay, and would specify the method of enforcement of an order to pay.

Ch. 351 (AB 2727) Hannigan Counties: wind energy.

Existing law does not specifically authorize counties to construct, acquire, develop, operate, and maintain works for the development of projects relating to the utilization of wind energy

This bill would authorize counties to construct, acquire, develop, operate, and maintain those projects

Ch. 352 (AB 2854) Cortese Weed abatement costs

Under existing law, cities and counties are authorized to provide for the inspection and abatement of weeds and rubbish in accordance with prescribed procedures. The cost of abatement becomes a special assessment against the parcel, and a lien for payment thereof attaches to the parcel.

This bill would authorize an agency in any case in which an order to abate is issued to impose the special assessment and lien for the costs incurred in enforcing abatement upon the parcel, including investigation, boundary determination, measurement, clerical and other related costs.

Ch. 353 (AB 2855) Felando. Recreational facilities.

Existing law authorizes the Governing Board of the Los Angeles Unified School District, the City of Los Angeles, and the Board of Supervisors of the County of Los Angeles to form a joint powers agency, as specified, for the financing, construction, and operation of an all-purpose recreational stadium and center in the harbor area of Los Angeles County, and permits certain specified actions to be taken to finance, construct, and

operate the facility.

This bill would authorize an all-purpose recreational stadium and center in the San Pedro area, rather than the harbor area, of Los Angeles County

Ch 354 (AB 3022) Bosco. Library districts

Existing law permits a library district governed by a 3-member board of library trustees to be organized, as specified, provides for the staggered expiration of the terms of library trustees, and establishes procedures for the conducting of business by the 3-member board of library trustees.

This bill would permit a library district to be governed by either a 3-member or a 5-member board of library trustees It would also provide for the staggered expiration of the terms of a 5-member board of library trustees, where appropriate, and establishes procedures for the conducting of business by a 5-member board of library trustees. This bill would permit a proposal to increase the number of seats on a board of library trustees to be initiated by petition, as specified, or by resolution adopted by the board of trustees and filed with the supervising board of supervisors. It would authorize the supervising board of supervisors to hold a hearing on the petition or resolution, and would provide the method of appointment and the length of terms for additional trustees, as specified, should the supervising board of supervisors increase the board of library trustees from 3 to 5 members.

Existing law requires all public libraries established under the above provisions to be open for the use of the public during every day in the year

This bill would delete this requirement.

Ch. 355 (AB 3359) Kapiloff. Insured financial institutions.

Existing law defines "insured financial institution" for the purposes of the Uniform Gifts to Minors Act, as one where deposits are insured by the Federal Savings and Loan Insurance Corporation, the Federal Deposit Insurance Corporation, or by a fund approved by the state

This bill would revise this definition by specifying various types of state approved guarantors of credit union deposits.

Existing law defines "shares of an insured credit union" for the purpose of applying the laws relating to guardianships and conservatorships

This bill would revise this definition, as specified

The bill would incorporate additional changes in Section 1155 of the Civil Code, proposed by AB 2393, to be operative only if AB 2393 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

Ch 356 (AB 3465) Young. Motor vehicles· motorcycles noise limits

Under existing law, the noise limit of a motorcycle, other than a motor-driven cycle, is 83 dbA if manufactured after 1974 and before 1983, 80 dbA if manufactured after 1982 and before 1986, 75 dbA if manufactured after 1985 and before 1990, and 70 dbA if manufactured after 1989

This bill would extend the noise limit of 83 dbA to motorcycles manufactured until the end of 1985 rather than 1982, and would make the noise limit of 80 dbA applicable to all motorcycles manufactured after 1985.

Ch 357 (AB 3513) Campbell. Fire protection contracts. bidding

Existing law requires that all contracts for the construction or completion of any building, structure, or improvement by a fire protection district which exceed $3,000 in cost be performed under contract let by competitive bid.

This bill would increase that monetary limit to $10,000

Ch 358 (AB 3536) Hart. Counties: leasing surplus residential property.

Existing law specifies competitive bidding procedures to be followed by counties in leasing county property A county may, by ordinance, adopt a prescribed alternative procedure, not requiring competitive bidding, if the lease is for a duration not exceeding one year, the estimated monthly rental does not exceed $400, the actual monthly rental does not exceed $500, and the lease is not renewable.

This bill would authorize a county of the 16th class to lease county-owned residential dwellings not necessary for public use, for a term of one year or more, without competi-

tive bidding, if the estimated monthly rental does not exceed $700, the actual monthly rental does not exceed $800, and the lease is renewable by the lessee for at least one additional term.

The bill would make various findings and declarations.

Ch. 359 (AB 3569) Moore. Domestic violence

Existing law provides that any restraining order granted after notice and hearing pursuant to the Domestic Violence Prevention Act shall remain in effect, in the discretion of the court, not to exceed 90 days, unless terminated by the court or extended by mutual consent of the parties or on further order of the court on the motion of any party.

This bill instead would extend the period of duration of such an order to one year, unless terminated or extended by further order of the court either on written stipulation or on the motion of any party

Under existing law, in a proceeding under the Family Law Act in which custody of a child is sought, custody is required to be awarded in a specified order of preference according to the best interests of the child. The first category of priority is to both parents jointly or to either parent. However, joint custody is presumed to be in a child's best interest where the parents so agree.

The bill would require that in making a determination of the best interests of a child in a proceeding under the Family Law Act the court's determination shall include, but shall not be limited to, consideration of the health, safety, and welfare of the child It also would require a court, in specified cases where it awards visitation, to consider whether the child's best interests require that any visitation granted to a parent against whom any one of several specified restraining orders has been entered shall be limited to situations in which a third person is present, as specified

Ch. 360 (AB 3621) Thurman County highways lease of real property.

Existing law authorizes the board of supervisors of a county to delegate to a county official the authority to lease any real property acquired by the county for highway purposes for a term not exceeding 3 years and for a rental amount not exceeding $500 per month

This bill would delete the $500 per month rental amount limitation on the board of supervisors delegation of authority to lease real property acquired by a county for highway purposes

Ch 361 (AB 3634) Wright Sewer maintenance districts borrowing

Existing law authorizes the board of supervisors of a county to lend funds to a county sewer maintenance district in an amount which does not exceed 100% of the tax levy of the district for the year in which the loan is made.

This bill would, instead, provide that the loan shall not exceed 100% of the total revenues of the district for the year in which the loan is made.

Ch 362 (AB 3635) Wright Counties· public works contracts

Existing law imposes various requirements and prohibitions on contractors and subcontractors in the performance of public works contracts with public agencies Among other things, a prime contractor whose bid is accepted may not make substitutions of subcontractors listed in the original bid, except for specified reasons Prior to approving a prime contractor's request for substitution of a subcontractor, the awarding authority is required to notify the listed subcontractor of the request for substitution and to conduct a hearing on the matter if the listed subcontractor objects to the substitution

Under existing law, the awarding authority may cancel the contract of, or assess a penalty against, a prime contractor who violates specified provisions The prime contractor in such a case is entitled to a public hearing on the matter

This bill would authorize the board of supervisors of a county with a population of 6,000,000 or more, when the board of supervisors is the awarding authority, to delegate its functions to a hearing officer, and to either adopt the hearing officer's recommendation or conduct a de novo hearing on the matter

Ch. 363 (AB 3664) Hannigan Fire protection districts

(1) Existing law requires the board of directors of fire protection districts organized under the Fire Protection District Law of 1961 to hold regular meetings not less often

than once every 3 months

This bill would eliminate that requirement if a district has entered into a joint exercise of powers agreement for the provision of district services by another public agency

(2) The provisions of the bill would take effect immediately as an urgency statute

Ch. 364 (AB 3760) Vicencia Cities: annexation of noncontiguous territory

With certain specified exceptions, only territory which is contiguous to a city may be annexed thereto

The law currently considers territory to be contiguous to the annexing city even though separated from the city by territory of another city, provided that the separating territory became part of the other city prior to January 1, 1925, does not exceed 3,000 feet in width, and is within the same unified school district as is the largest portion of the city seeking annexation

This bill would repeal the provision which deems such territory to be contiguous to the city seeking annexation

Ch. 365 (AB 3653) N Waters. Municipal utility district indebtedness.

Under existing law, municipal utility districts owning and operating an electric distribution system for at least 8 years and containing a population of 250,000 or more may incur indebtedness for specified purposes relating to the generation and transmission of electricity constituting either a general obligation of the district or payable solely from revenues not to exceed in amount $50,000,000 or 25% of the district's annual gross revenues, whichever is greater.

This bill would allow such a district to borrow and incur indebtedness generally pursuant to those provisions but subject to a separate maximum limitation of $25,000,000 for purposes of the purchase of electricity

Ch. 366 (SB 1434) Sieroty Santa Monica-Malibu Unified School District.

Under existing law, the Santa Monica school district and community college district are governed by a common governing board

This bill would authorize the governing board of the Santa Monica-Malibu Unified School District to have placed on the ballot of November 2, 1982, Regular Election, the question of whether a new separate community college district governing board shall be established, subject to detailed provisions governing the establishment and election of the new board

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute

Ch 367 (AB 3655) N. Waters Municipal utility districts. revenue bonds

Existing law allows a municipal utility district with a population of 250,000 or more which has owned and operated an electric, water, or sewage disposal system for at least 8 years to issue revenue bonds pursuant to the Revenue Bond Law of 1941 to finance facilities for any of these systems

This bill would expand these provisions to allow the issuance of revenue bonds under the same conditions to finance communications facilities with no requirement that the district have owned or operated any communications system for 8 or more years or programs for the conservation of electricity

Ch 368 (SB 1118) Greene. Displaced workers. regional employment assessment, job search assistance, and placement services

Existing law does not contain specific provisions for regional employment assessment, job search assistance, and placement services for displaced workers.

This bill would enact the Regional Employment Assessment, Job Search Assistance, and Placement Services for Displaced Workers Act of 1982, which would declare state policy to provide workers displaced due to plant closures, layoffs, or reduced economic

activity or labor market demand related to their field of employment with regional employment assessment, job search assistance, and placement services, as defined, in order to avoid the adverse effects of job loss and long-term unemployment

This bill would require the Employment Development Department, in conjunction with the Department of Education, the Chancellor's Office of the California Community Colleges, the Department of Economic and Business Development, and the Department of Industrial Relations to do the following

(1) To submit to the fiscal and policy committees of both houses of the Legislature, within 90 days of the effective date of this bill, a plan for the administration and implementation of this bill

(2) To submit to the Legislature annually an evaluation of the services established by the bill

The bill would incorporate the definition of "displaced worker" proposed by S B 1109, to become operative if both bills are chaptered.

This bill would take effect immediately as an urgency statute, but only if the Budget Act of 1982 contains a specific appropriation to carry out the bill. It would continue in effect only if each successive Budget Act contains a specific appropriation for the bill. Contingent upon this funding, this bill would remain in effect only until January 1, 1988, and as of this date would be repealed

Ch 369 (AB 206) Tucker Health benefit plans

Under existing law, health benefit plan contracts for state and local employees subject to the Public Employees' Medical and Hospital Care Act must be for a uniform term of at least one year and must expire on July 31

This bill would permit a contract to be extended for a period not exceeding 6 months subject to existing terms and conditions or any new terms and conditions which are agreed upon

This bill will take effect immediately as an urgency statute

Ch. 370 (AB 2631) N Waters California Beef Council assessments

(1) Under existing law, in order to support the California Beef Council, a fee of $1 per head on cattle and calves which are sold in this state is charged and collected from the seller or from the seller's account and paid to the Director of Food and Agriculture by each operator of any stockyard, livestock auction market, slaughterhouse, packing plant, feedlot, or by the seller's agent The fee is not charged on specified cattle including any cattle which are less than 3 months of age The law also excludes any cattle slaughtered at a licensed slaughter plant from the $1 fee, but subjects the beef from these cattle to an equivalent fee on the chilled carcass weight

This bill would delete the exclusion on cattle slaughtered at a licensed slaughter plant, thereby subjecting these cattle to the $1 fee, and would repeal the equivalent assessment provisions The bill would also modify the exclusion on cattle less than 3 months of age by instead excluding cattle which are less than 300 pounds, and would add an exclusion for cattle which are custom slaughtered, as specified.

(2) Existing law does not require persons who collect the $1 beef council fee or out-of-state beef processors who register with the Department of Food and Agriculture and pay a prescribed assessment on beef shipped into this state to maintain specified records

This bill would require these persons to maintain a complete and accurate record of all transactions, as prescribed

(3) Existing law requires out-of-state beef processors to pay prescribed assessments on beef shipped into this state

This bill would reduce the amount of those assessments and would provide that these processors shall not be required to pay an amount in excess of the equivalent of $1 per head on the beef shipped

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute

Ch 371 (SB 1366) Dills Retail installment accounts

Existing law relating to retail installment accounts provides that, except as specified, no fee, expense, delinquency, collection, or other charge whatsoever shall be taken, received, reserved, or contracted by the seller or holder of the retail installment account Permissible charges include a finance charge, as specified, and, if provided for in an agreement signed by the buyer a copy of which is furnished to the buyer, the payment of attorney's fees and costs, as specified

The bill would provide, in addition, that, when credit cards are issued in connection with a retail installment account, a seller, either in the agreement or after giving notice, as specified, may require the payment of an annual fee of not more than $15 for membership in the credit card plan, which fee shall not be deemed a finance charge or interest for any purpose of the law

Ch. 372 (SB 1462) Foran Industrial loan companies

Existing law permits industrial loan companies, on any loan, forbearance of money, credit, goods, or things in action, to levy charges which do not exceed ⅝ of 1% per month plus a percentage per month equal to 1/12 of the annual rate prevailing on the 25th day of the second month of the quarter preceding the quarter in which the loan is made as established by the Federal Reserve Bank of San Francisco on advances to member banks pursuant to specified sections of the Federal Reserve Act, or if there is no such single determinable rate for advances, the closest counterpart of such rate as designated by the Superintendent of Banks of the State of California This provision will remain in effect until January 1, 1983

This bill would extend the date upon which this provision will be repealed to January 1, 1985.

Ch 373 (AB 742) Filante Polling places

Existing law requires each precinct board to post in the polling place, at least one facsimile copy of the ballot and ballot instructions printed in Spanish

This bill would retain existing law until such time as the Secretary of State determines that the posting of the materials in Spanish or other languages is appropriate

The bill would require the Secretary of State to make specific determinations and findings by December 31, 1983, and, thereafter, to make the determinations and findings by January 1 of each year in which the Governor is elected

Ch 374 (SB 1949) Doolittle Consumer Credit

Existing law operative until October 1, 1982, provides for a higher finance charge rate with respect to retail installment sales of household furniture, furnishings or appliances by a seller whose gross sales do not exceed $10,000,000 annually, as opposed to all other retail installment contracts covered by the Unruh Act

This bill would specify that, for purposes of these provisions, the term household furniture, furnishings and appliances would include, but not be limited to, organs, pianos, musical instruments, electronic home entertainment equipment and furnishings

The bill would become effective immediately as an urgency statute

Ch 375 (AB 1389) Thurman Theft farm crops.

Existing law defines grand theft to include, among other things, the following cases (1) a case where the money, labor, or real or personal property taken is of a value exceeding $200, (2) when domestic fowl, avocados, olives, citrus or deciduous fruits, nuts, and artichokes are taken of a value exceeding $50, (3) where the money, labor, or real or personal property is taken by a servant, agent or employee from his principal or employer and aggregates $200 or more in any consecutive 12-month period

This bill would add the following products to (2) above, whose taking constitutes grand theft. fruits, other than citrus or deciduous, vegetables in general, other farm crops in general, fish, shellfish, mollusks, crustaceans, kelp, algae, and other aquacultural products, taken from a commercial or research operation, of a value exceeding $50

It would also increase the monetary amounts in cases (1), (2), and (3) above to $400,

$100, and $400, respectively.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 376 (AB 2404) Farr. Income taxes· disaster losses.

Under the existing Personal Income Tax Law, certain casualty losses attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the federal government under an applicable federal disaster act may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred.

This bill would make that provision applicable to any loss sustained in any county, whether or not in area eligible for assistance by the federal government, arising from storm, flooding, or other related casualty during the first week of January in 1982.

This bill would take effect immediately as a tax levy.

Ch 377 (AB 2566) Bergeson. Campaign statements

(1) Under the provisions of the Political Reform Act of 1974 specified campaign statements are required to be filed. Among other things, the statement is required to contain detailed information concerning an expenditure to a person which amounts to $100 or more.

This bill would provide that if the expenditure of $100 or more is a contribution, the statement shall contain the date of the contribution.

(2) A campaign statement filed by a committee supporting or opposing more than 1 candidate or measure is required to contain the amount of the expenditure for or against each candidate or measure during the period covered by the statement and the cumulative amount of expenditures for or against each candidate or measure

This bill would limit the above to expenditures of $100 or more

Ch 378 (AB 3067) Ingalls Contractors waiver of examination by qualifying individual.

Under existing law, an individual, firm, or corporation may qualify by examination for a contractor's license by the appearance of a qualifying individual, as specified Existing law further provides that the Registrar of Contractors may waive an examination for a contractor's license by a qualifying individual under specified circumstances

This bill would revise the circumstances under which an examination for a contractor's license by a qualifying individual may be waived, as specified

Ch 379 (AB 2713) Hallett Fruits, nuts, and vegetables. inspection and certification.

Under existing law, until January 1, 1983, a county board of supervisors is authorized to certify compliance of fruits, nuts, and vegetables with certain requirements by means of a county certification stamp or device in lieu of the certificate which may also be obtained from the county agricultural commissioner at the request of owners, shippers, or other interested parties The commissioner may issue the county certification stamp or device, or may authorize its use by a grower, shipper, packer, or financially interested person with specified requirements and restrictions.

This bill would delete the January 1, 1983, termination date and thus make the authorization permanent

Ch 380 (AB 2486) Thurman Dairy Council of California.

(1) Existing law authorizes the Dairy Council of California to utilize advertising experts, agencies, and agents

This bill would delete that authority and instead authorize the council to utilize consultants and agencies

(2) Existing law requires the council to periodically formulate and transmit to the Director of Food and Agriculture statements of its contemplated or recommended activities

This bill would instead require the council to formulate and transmit an annual budget to the director with recommended activities for approval by the director as specified

(3) Existing law provides a system of fees to be paid by producers and handlers of class 1 milk for support of the council

This bill would repeal those provisions on January 1, 1983, and institute a specified process whereby, prior to the commencement of the fiscal year, the director would, upon recommendation of the council, establish and announce the fees for milk used in class 1 and for all other usages to be paid by producers, producer-handlers, and handlers for the coming fiscal year and would continuously appropriate these fees.

(4) Existing law provides a process of additional fees to generate added revenue for support of the council and requires the director to conduct a periodic referendum to determine whether the additional fees should continue

This bill would delete the provisions authorizing these additional fees and the referendum

(5) Existing law does not require that the director conduct a periodic referendum of the producers, producer-handlers, and handlers of class 1 milk to determine if the dairy council program should continue

This bill would require that a hearing and, if appropriate, a referendum to make that determination be conducted between July 1, 1983, and December 31, 1983, and in the same period each 4 years thereafter. The bill would also provide a system for winding-up the affairs of the council if the results of the referendum indicate that the program should be discontinued.

(6) The bill would take effect immediately as an urgency statute

Ch 381 (AB 3561) Tanner Warranties

Under existing law, an express warranty with respect to consumer goods is required to be in readily understood language.

This bill would also require the language to be simple and to conform to specified federal standards

Ch 382 (AB 2791) Mountjoy Department of the California Highway Patrol.

Existing law requires law enforcement officers to be United States citizens.

This bill would expressly require members of the Department of the California Highway Patrol to be United States citizens prior to their employment The bill would also require members appointed prior to the effective date of this act who are not United States citizens to become citizens at the earliest possible time, and would require termination of employment for inability or failure to comply with that provision

Ch. 383 (AB 2223) Ivers Motor vehicles· youth buses.

(1) Existing law defines schoolbuses to include any motor vehicle used for the transportation of any school pupil at or below the 12th-grade level to and from a public or private school or to and from public or private school activities, except as specified.

Chapter 133 of the Statutes of 1982, which becomes effective January 1, 1983, excepts youth buses from the definition of schoolbuses "Youth bus" would be defined by Chapter 133 of the Statutes of 1982 as a bus designed for and when actually carrying not more than 16 persons and the driver used to transport children at or below the 12th-grade level from a public or private school to a nonschool-related youth activity within 25 miles of the school

Chapter 133 of the Statutes of 1982 provides for certification of drivers of youth buses and for the inspection of youth buses by the California Highway Patrol Chapter 133 of the Statutes of 1982 provides for fees for the youth bus inspection and testing of youth bus drivers which would be deposited in the Motor Vehicle Account in the State Transportation Fund

Chapter 133 of the Statutes of 1982 makes it an infraction to load or discharge children onto or from a youth bus on a highway where the children must cross it, unless traffic is controlled by a traffic officer or an official traffic control signal Chapter 133 of the Statutes of 1982 makes it a misdemeanor to fail to comply with any California Highway Patrol rule or regulation regarding youth bus equipment, maintenance, or operation

This bill would make the same changes made by Chapter 133 of the Statutes of 1982 and would repeal Chapter 133 of the Statutes of 1982

The bill would declare legislative intent with regard to youth bus regulations and would require the Office of Administrative Law to expedite its review of those regulations.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) The bill would take effect immediately as an urgency statute, to be operative on the date the regulations adopted by the Department of the California Highway Patrol governing youth buses become effective, but not sooner than October 1, 1982, nor later than January 1, 1983.

Ch. 384 (AB 3761) N Waters. Firearms

Under existing law, a law enforcement agency that has custody of firearms or parts of any firearms which are subject to destruction pursuant to law, may, in lieu of destroying them, retain and use them, or turn them over to certain criminalistic laboratories, as specified.

This bill would also authorize such a law enforcement agency to release them to another law enforcement agency, as specified, upon approval of a court

Ch. 385 (AB 3560) Tanner Warranties.

Existing provisions of the Song-Beverly Consumer Warranty Act specify remedies for a willful breach of consumer warranties including a right to recover 3 times actual damages plus attorney's fees.

This bill would provide that a buyer of consumer goods shall have specified remedies for a failure to comply with warranty or related obligations, including damages measured in accordance with provisions of the Commercial Code, plus attorney's fees, and in certain cases if the failure to comply was willful, in addition to actual damages a penalty not to exceed 2 times actual damages.

Ch 386 (AB 2133) Mountjoy Construction contracts. liability

Existing law regarding construction contracts generally prohibits agreements to indemnify the promisee against liability for damages for death or bodily injury, injury to property, or design defects or any other loss, damage, or expense arising from the sole negligence or willful misconduct of the promisee or the promisee's agents, servants, or independent contractors who are directly responsible to the promisee However, those provisions do not prevent a party to a construction contract and the owner or party on whose account the contract is performed from agreeing with respect to the allocation or limitation of liability as between the parties for design defects or for liability of the promisee to the promisor arising out of or related to the contract

This bill, in addition, would specify that any provision regarding a construction contract which purports to impose on the contractor or relieve a public agency from liability for the active negligence of the public agency are void and unenforceable.

Ch 387 (AB 2603) Torres Food duck

Under existing law, restaurants and itinerant restaurants are required to maintain certain perishable food or beverage at or below a temperature of 45° Fahrenheit Existing law requires retail food production and marketing establishments to maintain potentially hazardous foods, as defined, to be kept, displayed, or maintained at or below a temperature of 45° or at or above a temperature of 140° Fahrenheit, except during reasonable periods of preparation, handling, or transportation

This bill would exempt whole Chinese-style roast duck, as defined, from those provisions for a period not to exceed 4 hours after the duck is prepared

This bill would also exempt raw duck in restaurants for a period not to exceed 2 hours if the food will subsequently be cooked at or above a temperature of 350° Fahrenheit for at least 60 minutes

This bill would take effect immediately as an urgency statute

Ch. 388 (AB 1787) Tanner. Warranties.

Under existing law, a manufacturer who is unable to service or repair goods to conform to applicable express warranties after a reasonable number of attempts must either replace the goods or reimburse the buyer, as specified

This bill would provide that it shall be presumed that a reasonable number of attempts have been undertaken to conform a new motor vehicle, as defined, excluding motorcycles, motorhomes, and off-road vehicles, to the applicable express warranties if within one year or 12,000 miles (1) the same nonconformity, as defined, has been subject to repair 4 or more times by the manufacturer or its agents and the buyer has directly notified the manufacturer of the need for repair, as specified; or (2) the vehicle is out of service by reason of repair for a cumulative total of more than 30 calendar days since the delivery of the vehicle to the buyer. The bill would provide that the presumption may not be asserted by the buyer until after the buyer has resorted to an existing qualified third party dispute resolution process, as defined The bill would also provide that a manufacturer shall be bound by a decision of the third party process if the buyer elects to accept it, and that if the buyer is dissatisfied with the third party decision the buyer may assert the presumption in an action to enforce the buyer's rights, as specified.

Ch. 389 (AB 3750) Robinson Insurance· certificate of authority

Existing law relating to insurers generally specifies minimum paid-in capital requirements for any incorporated admitted insurer except life, title, mortgage, or mortgage guaranty insurers

This bill increases the minimum paid-in capital requirements from $1,000,000 to $1,300,000 and would provide that in no event shall any insurer which is an incorporated insurer, as a condition for its admission, be permitted to have a paid-in capital of less than $500,000.

Existing law provides that no insurer shall be issued a certificate of authority other than a renewal certificate of authority for specified classes unless at the time of the issuance it possesses, in addition to the minimum paid-in capital requirements, a surplus of not less than 50% of the minimum paid-in capital required, in the case of an insurer which has transacted insurance for at least 5 years immediately preceding its admission for the class or classes of insurance for which it seeks admission. However, where the insurer has, with the approval of the commissioner, reinsured and assumed all insurance liabilities of another insurer which has retired from business as an insurer, the length of time the latter has transacted insurance shall be added to the length of time the former has transacted insurance in applying those provisions

Existing law also requires ~~in the case of any other~~ [an]* insurer [to have,]* in addition to the minimum paid-in capital at the time of its issuance of a certificate of authority [,] ~~to have~~* a surplus of not less than 100% of the minimum paid-in capital required or such lesser amount as the commissioner may deem adequate but [,]* in no event less than 50% of such minimum paid-in capital

This bill would provide, instead of the above, that no insurer shall be issued a certificate for specified classes of insurance unless it possesses a surplus of not less than 100% of the minimum paid-in capital required in addition to the minimum paid-in capital requirement

The bill would be applicable only with respect to ~~the issuance of~~ [insurers applying for]* an initial certificate of authority on or after January 1, 1982; ~~with respect to any applicant therefor~~*.

Ch 390 (AB 3510) Goggin. Criminal pleas

Under existing law, a plea of nolo contendere in a criminal action has the same effect as a plea of guilty, except the plea and any required admissions are not admissible in a civil suit growing out of the act upon which the criminal prosecution was based

This bill would provide that a plea of nolo contendere to a crime punishable as a felony has the same effect as a plea of guilty for all purposes

Ch. 391 (AB 3439) Farr. Pharmacy.

Existing law does not authorize a pharmacist to furnish a dangerous drug in emergencies other than pursuant to a prescription

This bill would authorize a pharmacist to furnish a dangerous drug, without prescription, in reasonable quantities during a state of emergency or disaster as specified.

Existing law exempts from liability any physician, hospital, nurse, or dentist who

renders services at the express or implied request of any responsible state or local official or agency during any state of war emergency, a state of emergency or local emergency, as specified

This bill would include a pharmacist among those persons exempt from liability who render services in the emergencies as specified

Ch 392 (AB 3145) Campbell Municipal utility districts. retirement systems investments

Existing law. (1) prescribes the permissible investments of retirement funds established by municipal utility districts, (2) limits the amount of the assets of a municipal utility district retirement system which may be invested in common stocks, to 25% of those assets, and (3) provides that future changes in constitutional limitations upon stock investments, if implementing legislation is enacted, would also be applicable to municipal utility districts.

This bill would (a) repeal item (3) above, (b) increase the maximum in item (2) above, to 60% of those assets, (c) authorize investment of not to exceed 5% of those assets in the common stock or shares of corporations which do not meet certain of the present standards, under specified conditions; (d) authorize investment of not to exceed 0 5% of those assets in any security issued by any corporation or limited partnership, the majority of whose assets are in nonpublicly traded instruments, under specified conditions, (e) provide that the assets of the fund are trust funds, shall be held for specified purposes, and shall be invested subject to specified fiduciary standards, and (f) make technical and related changes.

This act would become operative only upon approval by the electors of Senate Constitutional Amendment No 21 of the 1981–82 Regular Session.

Ch 393 (AB 2919) Sebastiani Wine.

Existing law requires any person who sells or furnishes alcoholic beverages to others to be licensed pursuant to the Alcoholic Beverage Control Act The law authorizes licensed winegrowers, among others, to conduct wine tastings of wine, as specified, either on or off their premises.

This bill would authorize an out-of-state winegrower to furnish American wine which he or she produces and bottles for wine tastings sponsored by a private nonprofit organization, after notification to, and approved by, the Department of Alcoholic Beverage Control and provides that the privilege shall be extended only to winegrowers from states which have allowed California winegrowers to furnish wines for wine tastings in their state

Ch 394 (AB 2882) Hannigan Corrections

Existing law specifies the persons who comprise the membership of the Board of Corrections and provides for the creation of special commissions to assist the board in the study of crime.

The bill would correct certain obsolete cross references in these provisions.

Ch 395 (AB 2768) Robinson Arraignments

Under existing law, in Los Angeles and San Diego Counties, if a defendant is to be arraigned in municipal court and is in custody, he or she may be arraigned before the municipal court within the county nearest to the place in which he or she is held in custody rather than being arraigned before the court in which the accusatory pleading is filed, under specified conditions.

This bill instead would provide that a defendant who is in custody may be arraigned by the court that is the nearest to the place that he or she is held in custody, as specified, and would extend the application of the provision to all counties

Ch 396 (AB 2549) Bane. Cal-Vet purchasers' life and disability insurance.

Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 provide that if the Department of Veterans Affairs enters into a master agreement with an insurance company or companies to provide life insurance ;* coverage for Cal-Vet purchasers, the coverage be offered to disabled and nondisabled veteran purchasers on an equal basis and that no veteran shall be denied coverage because of disability

This bill would permit the department to enter into a master agreement to provide

disability, as well as life insurance, coverage ;* through a form of group insurance ~~which is required~~ [and would require the life insurance]* to be [offered]* on an equal basis ~~for~~ [to]* purchasers with a qualifying military service-connected disability and [to]* nondisabled purchasers.

Ch. 397 (AB 2521) Sher Regional park, park and open-space districts. incurring indebtedness and leasing lands.

(1) Existing law authorizes a regional park, regional park and open-space, or regional open-space district to incur indebtedness and requires the promissory note or other evidence of the indebtedness to be signed by the president, and attested by the secretary, of the board of directors of the district

This bill would permit either the secretary or the treasurer to attest the note or other evidence of indebtedness and would permit 1 of the 2 required signatures to be by facsimile reproduction

(2) Under existing law, a district is prohibited from conveying any interest in real property actually dedicated and used for park purposes without the consent of a majority of the voters of the district, except that, when district land or property is temporarily unnecessary for park or open-space purposes, it may be leased for other purposes for a term not exceeding 25 years with an express provision that, should the board determine to use the lands for park, open-space, or other district purposes, the lease shall be terminated

This bill would provide that, notwithstanding those provisions, the Board of Directors of the Midpeninsula Regional Open-Space District may lease district real property for a term not exceeding 50 years. Any such lease would be required to be approved by a resolution adopted by the affirmative votes of at least ⅔ of the members of the board, upon making an express finding that the purpose of the lease is for park or open-space purposes or for an historic preservation, recreation, or agricultural purpose which is compatible with public use and enjoyment of the real property.

Ch 398 (AB 2496) Floyd. State civil service: veteran's preference.

Existing law provides, for certain entrance examinations for state civil service, veteran's preference of 15 points for disabled veterans and 10 points for all other veterans and widows or widowers of veterans.

This bill would include within the recipients of the 10-point preference, spouses of 100% disabled veterans, as defined.

Ch 399 (SB 893) Watson. Developmental disabilities.

Under existing law, a regional center is required to notify the State Department of Developmental Services if it decides to cancel its contract to provide services The department may cancel its contract with a regional center under certain circumstances after initiating certain procedures with the State Council on Developmental Disabilities for resolving disputes

This bill would require the department to also give written notice to the regional center of its decision not to renew its contract with the regional center. The bill in addition would authorize the regional center to protest the decision to cancel or not to renew, in which event the department would be required to meet with the regional center and appropriate area board to discuss its decision and provide its rationale for the termination or nonrenewal of the contract and to also initiate certain procedures with the state council for resolving disputes

Under existing law, when terminating a regional center contract, the department is required to notify various entities, persons, and clients and request and give assistance.

This bill would require the board to also carry out such responsibilities when not renewing a regional center contract

This bill would take effect immediately as an urgency statute.

Ch 400 (SB 81) Johnson Mail ballots

(1) Existing law authorizes the conduct of certain local elections by the use of mailed ballots if, among other things, (a) the election involves no more than 300 eligible registered voters or (b) the election involves a measure or measures restricted to the imposition of special taxes in a local jurisdiction involving 5,000 or less eligible registered

voters

This bill would increase the number of eligible registered voters in (a) above to 1,000, rather than 300, and, with respect to an election involving a measure restricted to the imposition of special taxes, it would, additionally, limit this authority to elections involving an expenditure limitation override.

(2) Existing law authorizes the governing body of a district subject to the Uniform District Election Law to conduct any election by all mailed ballots.

This bill would require these mail elections to be conducted on a day other than an otherwise established or authorized election dates

Ch 401 (AB 2495) Floyd Civil service appointments disabled veterans' outreach program representatives

Existing statutes provide for the making of appointments to state civil service positions

This bill would specify ordered preferences for the appointment of disabled veterans' outreach program representatives, as specified

Ch 402 (AB 2474) Moore Vehicles

(1) Existing law generally requires every owner of a vehicle to maintain the registration card or a facsimile copy of it with the vehicle for which issued Under existing law, an officer taking law enforcement action pursuant to the Vehicle Code who determines that a violation has occurred involving a vehicle registration may, instead of taking the violator before a magistrate, issue a notice to correct the violation containing the violator's promise to correct and deliver proof of correction to the issuing agency on a form approved by the Judicial Council, or the arresting officer may issue a notice to appear, denoted as specified

This bill would require, in a case where the owner is in violation of the requirement to maintain the registration card or a facsimile copy of it with the vehicle under specified conditions, that an arresting officer issue a notice to correct containing the violator's promise to correct and deliver proof of correction of the violation, but would permit that notice to be issued on a notice to appear, as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 403 (AB 2435) Vicencia California National Guard farm and home purchase program

Existing law provides for farm and home purchase benefits for certain part-time members of the California National Guard having at least one year of satisfactory service, among other requirements, and limits the amount which may be expended for acquisition or construction of a home for sale to a National Guard member to $55,000, or, in the case of homes for Indian members on tribal trust land, $43,000.

This bill would ~~extend these benefits to~~ [permit]* members who have been honorably discharged from any branch of the United States Armed Forces ~~after 90 days of satisfactory service~~ [,]* and ~~; for these members and for~~* members who have served 10 or more years in the California National Guard, [to apply for these benefits after 90 days of satisfactory service, and would]* increase the limit to $75,000 [for these members]* The bill would also increase the limit for a home on tribal trust land for an Indian member meeting the above requirements to $55,000

Ch 404 (AB 2427) Young. Vehicles. emergency vehicle permits.

Under existing law, the Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits for any emergency repair vehicle of a utility or public utility

This bill would instead authorize the issuance of the permit for vehicles owned and operated by a public utility, used primarily to accomplish emergency repairs to utility

facilities or used primarily by railroad policemen, who are commissioned by the Governor, in the performance of their duties

Ch 405 (AB 2343) Moorhead Industrial Welfare Commission. procedures

Existing law authorizes the Industrial Welfare Commission to fix the minimum wages, maximum hours, and standard conditions of labor for any occupation, trade, or industry in the state in accordance with specified procedures These procedures include the appointment of a wage board to consider these matters and make recommendations to the commission for final action

This bill would require the commission to take final action on any petition requesting a wage order amendment within a specified period and without appointing a wage board if the petition is filed by a labor organization or a trade association recognized in the health care industry directly regulated by the wage order

Ch 406 (AB 2314) Lockyer Sales tax consumer cooperatives.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from that tax The law defines the term "gross receipts" for purposes of measuring the sales tax

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

This bill would provide that for purposes of the sales and use tax "sales price" and "gross receipts" from the sale of tangible personal property by consumer cooperatives, as defined, shall not include the value of initial or periodic membership fees and the value of labor performed in lieu of or as part of monthly membership fees. It would also make legislative findings and declarations that the provisions of this bill are declaratory of existing law

This bill would take effect immediately as an urgency statute

Ch 407 (AB 2038) Tanner Juvenile court school

(1) Existing law provides for the administration and operation of public schools in juvenile hall, juvenile homes, day centers, ranches and camps, as specified, for the education and training of juvenile court school pupils therein detained.

This bill would specifically provide for schools in group homes housing dependent children or wards of the court, as defined

This bill would specify that nothing in these provisions shall be construed as indicating the legislative intent to prevent juvenile court school pupils who are enrolled in group homes from enrolling in regular public schools, or that it is the legislative intent to transfer the responsibility for any costs associated with the operation of group homes to counties

(2) Existing law defines public schools or classes in any juvenile hall, juvenile home, juvenile ranch, or juvenile camp established in accordance with specified provisions of existing law as juvenile court schools.

This bill would include group homes meeting specified criteria and placed in accordance with specified provisions of existing law within the definition of a juvenile court school

(3) Existing law requires each public school district to accept for credit any coursework satisfactorily completed by a student while being detained in any county or state-operated institution for dependent or delinquent children.

This bill would only require each public school district to accept for credit any coursework satisfactorily completed by a student while in a juvenile court school

(4) Under existing law, plans for any juvenile court school classrooms, offices, or any other specified school structures must be approved by the county board of education. Current law prescribes that upon the approval of the board of supervisors and the county board of education, the cost of these structures must be a required charge against the funds of the county

This bill would specify that the cost of constructing or otherwise providing classrooms, offices, or other onsite school structures in group homes or other agencies housing children, as described, shall be the responsibility of the private agency. This bill would

state the legislative intent that nothing in this provision shall preclude the county boards of education or the governing boards of local school districts from entering into a contractual agreement providing compensation to group homes or other agencies for the cost of providing classrooms, offices, or other onsite school structures.

This bill would specify that this construction shall not entitle private agencies to an increase in the foster care reimbursement rates available from the State Department of Social Sevices or any other state agency

Ch 408 (AB 1509) Filante Health facilities· medications

Under existing law, the State Department of Health Services is prohibited from adopting any regulation with respect to skilled nursing and intermediate care facilities which prohibits patients from storing nonprescription medications at their bedside unless contraindicated by the patient's attending physician This bill would additionally prohibit any regulation adopted with respect to those facilities from prohibiting patients from storing topical ophthalmic medications at their bedside unless contraindicated by the attending physician or the facility

Ch 409 (AB 1943) Konnyu. Public assistance

Existing law provides that provisions relating to public assistance programs shall be liberally construed

This bill would instead provide that the provisions of law relating to public assistance programs shall be fairly and equitably construed.

Ch. 410 (AB 3006) Torres School building lease-purchase bonds

(1) The State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of facilities by the state and the lease-purchase of those facilities by school districts

This bill would enact the State School Building Lease-Purchase Bond Law of 1982 which, upon approval by the state electorate, would provide for the issuance of state general obligation bonds in an amount not to exceed $500,000,000 and the expenditure of the revenues therefrom to provide aid to school districts in accordance with the State School Lease-Purchase Law of 1976

The bill would provide for the submission of the proposed bond act to the electorate as the first proposition on the ballot of the General Election to be held November 2, 1982, provided that this bill is chaptered on or before July 9, 1982.

This bill would provide that not more than $150,000,000 of the moneys authorized under the State School Building Lease-Purchase Bond Law of 1982 shall be reserved for the reconstruction or modernization of facilities

(2) This bill would take effect immediately as an urgency statute

Ch 411 (AB 1209) Harris Civil procedure.

Under existing law, the Judicial Council may promulgate rules governing pretrial conferences Under existing law, an appearance by an attorney at a conference, or a hearing of a demurrer, an order to show cause, or a motion, is generally made in person.

This bill would provide that the Judicial Council shall adopt a standard governing the appearance of counsel by telephone at pretrial, trial setting, and arbitration conferences and shall adopt a standard governing the appearance of counsel by telephone at any hearing of a demurrer, order to show cause, or motion before trial, except as specified.

Ch 412 (AB 940) La Follette Geologists and geophysicists

Existing law authorizes the State Board of Registration for Geologists and Geophysicists to appoint committees to perform such duties as the board may direct and requires the board to establish professional affairs committees as needed to represent various specialties in geology and geophysics. The law requires these committees to be composed of registered geologists and geophysicists

This bill would authorize public members of the board to be on those committees, but would specify that (1) a majority of the members of each of the foregoing committees shall be registered geologists or geophysicists, and (2) a majority of the members of each of the professional affairs committees shall be geologists or geophysicists or both who are certified or qualified in the particular specialty represented by the committee in question

Existing law prescribes the maximum fees which may be fixed by the State Board of Registration for Geologists and Geophysicists for the registration of geologists and geophysicists. That fee is not more than $40.

This bill would provide an application fee for registration as a specialty geologist or as a specialty geophysicist of not more than $60, would increase the application fee for a geologist or geophysicist from $40 to $60, would increase the renewal fee for a specialty geologist or geophysicist from $10 to $20, the fee for a duplicate certificate from $3 to $6, the fee for temporary registration for a geologist or geophysicist from $40 to $80, the renewal fee for a geologist or a geophysicist from $80 to $100 and would provide that the delinquency fee is to be 50% of the renewal fee rather than a maximum of $25.

Existing law provides that money received by the State Board of Registration for Geologists and Geophysicists is to be deposited in the Geology and Geophysicists Fund and the money in the fund is continuously appropriated to the board to carry out provisions regulated by the board

The fees provided for in this bill would result in an increase of money in that fund which will be available for expenditure

Ch 413 (AB 675) Sher San Francisco Bay Conservation and Development Commission

(a) Under existing law, the San Francisco Bay Conservation and Development Commission is required, among other things, to administer and enforce certain statutory provisions contained in the Government Code relating to the San Francisco Bay Plan and certain provisions contained in the Public Resources Code relating to the Suisun Marsh Protection Plan

(1) With regard to the San Francisco Bay Plan

(A) Existing law contains a legislative declaration pertaining to the further filling of San Francisco Bay

This bill would revise that declaration

(B) Existing law authorizes the commission to establish a Bay Fill Clean-up and Abatement Fund and requires payment into the fund of all moneys appropriated to the fund by the Legislature, all contributions to the fund by any person, one-half of all moneys collected by way of criminal penalty, and all moneys collected by way of civil penalty. Existing law provides that money in the fund is available, without regard to fiscal year, for expenditure by the commission or its executive director for the purpose of removing fill or performing any other remedial cleanup or abatement actions in the San Francisco Bay as required by various statutory provisions contained in the Government Code

This bill would, instead, provide for the establishment of the fund in the State Treasury The bill would, in addition, permit the expenditure of moneys in the fund, when appropriated by the Legislature, for resource enhancement, would repeal the limitation on the expenditure of moneys in the fund to the San Francisco Bay and would, instead, permit their expenditure for any of the above purposes, when appropriated by the Legislature, in any area within the commission's jurisdiction

(C) Existing law contains a cross-reference to a nonexistent statutory provision

This bill would delete that cross-reference

(2) With regard to the Suisun Marsh Protection Plan:

(A) Existing law requires the County of Solano to prepare the local protection program component for the Suisun Marsh which is required to include, among other things, certain determinations and enforceable standards relating to parcel size and land divisions and limitations on special assessments against agricultural lands for the provision of public services

This bill would provide that, notwithstanding those provisions, the local protection program for a specified geographical area may include only ordinances prepared by the county, in cooperation with the City of Benicia, which control grading, erosion, sediment, runoff, and creekside development and which meet certain specified requirements

(B) Existing law authorizes the imposition of civil penalties, including the award of exemplary damages, against any person who intentionally or negligently violates any provision of the Suisun Marsh Preservation Act of 1977 and requires the deposit of any moneys recovered pursuant to such provisions in the General Fund, which moneys are

available for expenditure by the commission for carrying out the provisions of that act, when appropriated by the Legislature.

This bill would, instead, require those moneys to be deposited in the Bay Fill Clean-up and Abatement Fund described in paragraph (1) (B) above

(b) Existing law prescribes the membership of the San Francisco Bay Conservation and Development Commission as including, among others, 7 representatives of the public whose appointments are subject to Senate confirmation. Five of those representatives are appointed by the Governor, one by the Committee on Rules of the Senate and one by the Speaker of the Assembly.

This bill would delete the requirement that the representatives appointed by the Committee on Rules of the Senate and the Speaker of the Assembly be subject to Senate confirmation

(c) The bill would also make other technical, nonsubstantive changes.

Ch 414 (AB 598) Wyman Aeronautics Account. East Kern Airport District: City of Montague

Existing law provides for allocations of moneys from the Aeronautics Account in the State Transportation Fund to public entities for airport purposes

This bill would validate specified allocations from the account made by the Division of Aeronautics of the Department of Transportation to the East Kern Airport District totaling $9,975 and to the City of Montague totaling $8,251.

The bill would also appropriate $10,000 from the account to the division for allocation to the district for the purpose of returning to the district amounts repaid by the district to the account during the 1979–1980 fiscal year.

Ch 415 (AB 490) Nolan Attorneys: contingency fees.

Existing law provides that an attorney cannot contract for or collect a contingency fee for representing any person seeking damages in connection with an action for injury or damage against a health care provider, based upon the health care provider's professional negligence, in excess of certain prescribed limits

This bill would require an attorney who contracts to represent a plaintiff on a contingency fee basis to provide a copy of the contract to the client and to include in the contract a statement disclosing the contingency fee rate, a statement as to how disbursements and costs will affect the fee and the client's recovery, and certain other disclosure statements The bill would not apply to fee contracts for the recovery of workers' compensation benefits.

Failure to comply with these provisions would render the fee agreement voidable at the option of the client.

Ch 416 (AB 294) Duffy. Public officers prisoner transportation.

Existing law does not classify persons other than peace officers who transport prisoners as public officers

This bill would classify persons who transport prisoners as public officers called transportation officers, with specified powers and duties.

The bill would take effect immediately as an urgency statute.

Ch. 417 (AB 1738) Ryan. Hazardous waste: border zone property

Under existing law, the State Department of Health Services may designate property upon which hazardous wastes have been deposited as hazardous waste property and may designate property within 2,000 feet of a deposit of hazardous waste as border zone property After such a designation, no construction or placement of a building or structure for use, among others, as a residence is permitted except as specified If an owner, lessor, or lessee knows or has probable cause to believe a significant deposit of hazardous waste has occurred upon his or her land or within 2,000 feet of it, and that person intends to construct a building for use, among others, as a residence, the owner, lessor, or lessee is required to apply for a determination by the department as to whether the land should be so designated

Chapter 165 of the Statutes of 1982 (AB 2160), which became effective April 26, 1982, as an urgency statute, eliminated an exception from the requirement for redetermination for certain hazardous waste property where a significant disposal occurs or within

2,000 feet of that land.

This bill would exclude, from the requirements for a determination by the department, the addition of rooms or living space to an existing single-family dwelling or other minor repairs or improvements to residential property which do not change the use of the property or increase the population density

The bill would take effect immediately as an urgency statute

Ch. 418 (AB 1280) Filante. Registered dispensing opticians

Existing law requires a registered dispensing optician to give notice to the Division of Allied Health Professions of the Board of Medical Quality Assurance within 5 days after the termination or transfer of employment of a person registered as being in charge of and managing the dispensing operations at any specific address.

This bill would require that the registered manager of any dispensing operations shall also give notice to the division within 5 days after he or she has ceased for any reason to be an active manager at any address.

Existing law provides that a certification as a registered dispensing optician may be suspended or revoked for incompetence in filling prescriptions or for any violation of provisions regulating registered dispensing opticians

This bill would provide that a certificate of a registered dispensing optician or the authority of any manager of dispensing operations to act in that capacity may be suspended or revoked for violating or attempting to violate any of the provisions regulating registered dispensing opticians or any regulations adopted pursuant to those provisions or for incompetence, gross negligence, or repeated similar negligent acts performed by the certificate holder or by an employee of the certificate holder.

Existing law provides that the fitting or adapting of contact lenses to the eye is included in the practice of optometry The law also provides that a registered dispensing optician may fit or adjust contact lenses pursuant to a prescription of a physician and surgeon or an optometrist, if such prescription specifically refers to and authorizes contact lenses

This bill would, on and after March 1, 1984, authorize registered dispensing opticians to fit and adjust contact lenses (1) if such person is registered as a contact lens dispenser and meets specified requirements, including passing a specified examination, or (2) if such person performs the fitting and adjusting under the supervision of a person who is a registered contact lens dispenser. The bill would exempt technicians in the office of a physician and surgeon or an optometrist who fits contact lenses.

The bill would establish fees relating to the registration of contact lens dispensers and would provide that on and after July 1, 1982, the fees shall be deposited in the Dispensing Opticians Fund created by the bill, which would be continuously appropriated for the purposes of the bill.

The bill would further provide that, on and after July 1, 1982, the unencumbered balance of any funds in the Contingency Fund of the Board of Medical Quality Assurance derived from fees and revenues received from opticians, contact lens dispensers, and applicants for such registration, shall be transferred to the Dispensing Optician's Fund.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 419 (AB 1281) Filante. Mobilehomes. recreational vehicles

(1) Existing law defines "recreational vehicle" as a motor home, travel trailer, truck camper, or camping trailer, with or without motive power designed for human habitation for recreational or emergency occupancy, with less than 320 square feet.

This bill would revise the definition to require that such a vehicle contain less than 320 square feet of internal living area, excluding built-in equipment, contain 400 square feet or less of gross area, be built on a single chassis, and be either self-propelled, truck-mounted, or permanently towable upon the highways without a permit.

(2) Existing law regulates the landlord and tenant relationship between a tenant and

a mobilehome park and the management thereof under the provisions entitled the Mobilehome Residency Law

This bill would revise the definition of the term "mobilehome" for the purposes of that law.

Ch. 420 (AB 1322) Floyd. Cal Vet· preferences and funding.

Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 provide preferences for certain categories of veterans in the application for Cal-Vet benefits and specify that, notwithstanding these preferences, all applications filed with the Department of Veterans Affairs on or before December 31, 1980, shall be entitled to commitments for funding prior to applications filed on and after January 1, 1981.

This bill would provide, in addition, that all applications filed on or before December 31, 1981, shall be entitled to commitments for funding prior to applications filed on and after January 1, 1982. The bill would also permit the department to establish such a preference date not more than once a year whenever it finds that applications exceed the funds available.

The bill would also direct the department to comply with the federal Mortgage Subsidy Bond Tax Act of 1980 whenever any conflict or difference between that act and the Cal-Vet provisions would affect the tax-exempt status of Cal-Vet general obligation or revenue bonds in order to maintain the tax-exempt status of the bonds.

The bill would take effect immediately as an urgency statute.

Ch 421 (AB 1435) Elder Health facilities: services

Existing law permits a general acute care hospital, in addition to the basic services offered under its license, to be approved, as prescribed, to offer certain specified services including rehabilitation services.

This bill would prohibit a general acute care hospital from holding itself out directly or indirectly by any sign, brochure, or advertisement as providing any service or services which require a supplemental service or special service unless that hospital has first obtained a supplemental or special service approval from the State Department of Health Services The bill would further prohibit a general acute care hospital from receiving reimbursement under the Medi-Cal program without first obtaining a special permit or a supplemental service approval from the department.

Ch. 422 (AB 2270) Tucker Appropriation. California State Police Division—firearms range facilities.

This bill would appropriate $24,000 to the Department of General Services to construct and maintain three firearms qualification ranges for peace officer employees and members of the California State Police Division, as specified.

This bill would express legislative intent

This bill would take effect immediately as an urgency statute

Ch. 423 (AB 2174) Levine Harassment.

Under existing law, a person who has suffered harassment, as defined, may seek a temporary restraining order and an injunction prohibiting harassment A violation of such a restraining order or injunction is a misdemeanor.

This bill would provide that any person convicted of willful disobedience of such a restraining order or injunction who has been previously convicted of that offense shall be imprisoned in the county jail for a term not exceeding one year. It also would provide that, subject to the discretion of the court, the prosecution shall have the opportunity to present witnesses and relevant evidence at the time of the sentencing of a defendant for such an offense.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 424 (AB 2492) Elder Hospital districts elections

(1) Existing law prescribes special procedures for the qualification, nomination, and election of members of the boards of directors of hospital districts Hospital district formation elections are conducted in the manner prescribed in the District Organization Law and the Uniform District Election Law, unless otherwise provided

This bill would, instead, require that hospital district general elections for board of director members be consolidated with the statewide general election, and be conducted in the manner prescribed by the Uniform District Election Law.

(2) Existing law requires the first board of directors of a hospital district to be appointed upon formation of the district, and to go out of office the first Tuesday in January following the election or appointment of their successors, as prescribed.

The bill would provide that the term of each officer of the district board would expire on the last Friday of November following the election.

(3) The bill would repeal certain notice provisions in conflict with the Uniform District Election Law

(4) The bill would make other conforming changes and delete obsolete provisions.

Ch. 425 (AB 2503) Lancaster Fire protection: automatic fire sprinkler systems.

(1) Existing law does not define class I and class II automatic fire sprinkler systems.

This bill would define those classes of automatic fire sprinkler systems, as prescribed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 426 (AB 2507) Lockyer California Occupational Information System

Existing law, which provides for the California Occupational Information System, will, by its own terms, be repealed effective December 31, 1982

This bill would, with technical changes, reenact those provisions of existing law effective January 1, 1983, thereby reviving that law as of that date

Ch. 427 (AB 2555) D. Stirling Surveys.

Existing law provides that surveyors authorized to practice land surveying have a right of entry to investigate and utilize boundary evidence, and that the owner or tenant who controls property is responsible to provide access for making surveys with respect to property affected by the monuments or control stations of record needed.

This bill would instead provide that persons authorized to practice land surveying have a right of entry upon or to real property to investigate and utilize boundary evidence and to perform surveys, and that the owner or tenant who owns or controls property is responsible to provide access, as specified. The right of entry would not be contingent upon prior notice to the owner or tenant, but the bill would specify that notice of the proposed time of entry shall be given to the owner or tenant where practicable

Ch 428 (AB 2678) Elder. Elections.

(1) Under existing law, upon receipt of an absentee ballot application or voted absentee ballot, the election official determines whether the signature and residence address appearing thereon is the same as that on the original affidavit of registration.

This bill would specify that in determining from the records of registration if the signature and residence address on the application or the identification envelope appear to be the same as that on the original affidavit of registration, the clerk or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures, provided that the method of preparing and displaying the facsimiles complies with law.

(2) The current provisions of law governing mail ballot elections require the clerk to commence the mailing prior to the 22nd day before the election and to complete the mailing by the 18th day before the election.

This bill would revise the above to the 29th day before the election, rather than the 22nd, and the 10th day before the election, rather than the 18th day.

(3) Existing law governing the return of voted mailed ballots requires the ballots to

be received by the election official from whom they came by the close of the polls on election day.

This bill would specify that the voted ballots shall be received by the official no later than 12 o'clock midnight on election day.

(4) Existing law requires a declaration of candidacy of persons seeking membership to the governing board of a school or community college district and an official filing petition of a person seeking election to a district governed by the Uniform District Election Law to be filed with the clerk not more than 89 days nor less than 68 days prior to the election. Existing law allows a 5-day extension for filing if the incumbent fails to file by the last day for filing

This bill would revise the filing dates by requiring a declaration of candidacy or official filing petition to be filed between the 113th and 88th day prior to the election, rather than between the 89th and 68th day prior to the election It would make corresponding changes in the extension provision and other related election dates

(5) Existing law specifies various publications which are required to be made in a newspaper regarding the conduct of school district or community college district elections

Existing law also provides that if only one person has been nominated to the governing board of a school district, community college district, or districts governed under the Uniform District Election Law, or if an insufficient number of persons have been nominated, or if no person has been nominated, the governing board or governing body is required to appoint the qualified nominee or other qualified person, as the case may be, and no election is held unless a prescribed petition is filed In connection with this procedure certain notices are required to be made.

This bill would repeal the existing provisions of law and would delete the above referred to required publications, except it would require a certain publication to be made when no person has been nominated to an office It would provide that if on the 83rd day prior to a district election, rather than 63rd day, the conditions set forth above exist (e g , only one person has been nominated) an appointment shall be made, unless a petition signed by 10% of the voters or 50 voters, whichever is the smaller number, is presented to the officer conducting the election

(6) Existing law does not require the officer charged with the duty of printing a ballot in a school, community college district, or special district election to remove from the ballot the name of a candidate who has died

This bill would impose this duty if the fact of the death is ascertained at least 60 days before the election.

(7) Under existing law, precinct boundary changes must occur by specified dates prior to an election.

This bill would revise these dates

(8) Existing law provides for candidates' statements in local elections and allows each candidate to prepare a brief description which may not exceed 200 words, except where a local agency allows the statement to contain 400 words. The statements are required to be filed by the 60th day before the election, the clerk is required to provide a Spanish translator for those candidates who wish to have one, and the law allows local agencies to adopt regulations so that candidates can send other materials to the voters

This bill would require all statements to be filed by the 88th day, rather than 60th day before an election. The bill would delete the authorization to allow the mailings of other materials.

Ch. 429 (AB 2942) Bosco Public water system

(1) Under existing law, the Department of Health Services is required to formulate and adopt rules and regulations covering parameters to be tested and their limits, type of testing, frequency of testing, and other matters necessary to determine the quality of domestic water supplies and to establish schedules for compliance with water quality standards

This bill would additionally authorize the department to adopt rules and regulations governing the control and maintenance of public water systems, including the control of cross-connections, which the department determines are necessary to obtain, treat, and distribute a continuous and adequate supply of pure, wholesome, healthy, and potable water.

(2) Under existing law, any person who operates a public water system without having an unrevoked permit to do so, is subject to various penalties, including an injunction brought by the Department of Health Services against operating a system. Existing law also provides that enforcement for water systems with less than 200 service connections shall be the responsibility of the local health officer

This bill would authorize the department to take action, after consultation with the local health officer, against a public water system with less than 200 service connections where (1) the public water system has been in violation for a period of at least 90 days within the previous year, or (2) a contaminant is present in or likely to enter a public water system and presents an imminent and substantial danger to the health of the users of the system .

The bill would also require the department to utilize available department staff to carry out the provisions of the bill

Ch. 430 (AB 2958) Baker Municipal utility districts limited-term employees

The Municipal Utility District Act requires each district to have a civil service system, but excludes various categories of employee, including temporary construction and part-time employees, from the system

This bill would, in addition, exclude from a district's civil service system limited-term employees appointed for not more than 2 years, and would permit these appointments to be extended for not more than 2 additional years upon approval of the general manager.

Ch 431 (AB 3121) Ryan Property taxation tax collector

Under existing law, the tax collector of the county has the authority and responsibility to collect all property taxes

This bill would permit any document required by statute to be executed by the tax collector to be executed with a facsimile signature in lieu of a manual signature if the manual signature is filed with the Secretary of State and is certified under oath by the tax collector, and would specify that the facsimile signature shall have the same legal effect as the manual signature of the tax collector.

Ch 432 (AB 3169) Lewis Public employees' retirement systems: generally

The Legislators' Retirement Law and the Public Employees' Retirement Law prescribes benefits for their respective members, retired members, survivors, and beneficiaries.

This bill would delete obsolete references and make various technical and clarifying changes in these laws

Ch 433 (AB 3421) Farr Dismissal of criminal case

Existing law provides that the court, unless good cause to contrary is shown, must order a criminal action to be dismissed if the defendant is not brought to trial within 60 days after the occurrence of specified events.

Existing law also provides that an action shall not be dismissed if the trial is set for a date beyond this 60-day period due to the defendant's request, consent, neglect or failure to appear and if the defendant is brought to trial within 10 days after such date set for trial.

This bill would change such time within which, after the trial is set, the defendant must be brought to trial, from 10 days to 60 days upon the defendant's failure to appear, as specified.

The bill would also prohibit setting an earlier trial date except as specified

Ch. 434 (AB 3544) Harris. School districts: certificated employees.

Existing law authorizes the governing board of a school district to deem a permanent certificated employee to have declined employment and to terminate his or her services if, without good cause, the employee fails to notify the governing board of his or her intention to remain or to not remain in the service of the district upon request of the governing board, as specified.

This bill would include probationary certificated employees in these provisions.

This bill would also authorize the governing board to deem a probationary or permanent certificated employee to have declined employment and to terminate his or her

services if, without good cause, the employee fails to report for duty at the beginning of the school year after having notified the board of his or her intention to remain in the service of the district, as specified This bill would specify that this provision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30th of the previous school year.

Ch. 435 (AB 3545) Harris. Public contracts: relief of bidders.

The Government Code presently contains provisions relating to the relief of bidders on public contracts.

This bill would transfer those provisions to the Public Contract Code.

Ch. 436 (AB 3432) Frazee. Local agency formation commissions

Existing law requires a county board of supervisors to provide the amount of funds for the use of a local agency formation commission as the commission estimates are required for necessary quarters, equipment, supplies, and the usual and necessary operating expenses incurred by the commission.

This bill would, instead, require the board of supervisors to provide for the use of the commission an amount which is not less than one of the following: (1) the amount fixed by the commission; (2) the amount provided during the previous fiscal year, increased by the same percentage as the increase in the county's revenue limit; or (3) the amount calculated in (2) plus any additional amount deemed necessary by the board of supervisors.

Ch. 437 (AB 3599) Tucker. State Board of Optometry.

Existing law provides that members of the State Board of Optometry, except the public members, are to be registered optometrists and actually engaged in the practice of optometry and prohibits any person who is, among other things, a member of the faculty of any school of optometry from being a member of the State Board of Optometry.

This bill would provide that members of the board, except the public members, may be either practicing optometrists or faculty members of a school of optometry and would provide that no more than 2 faculty members shall be on the board at any one time.

Ch. 438 (AB 3641) Bane. Search warrants

Existing law provides, with specified exceptions, the grounds and conditions upon which a search warrant may issue.

This bill would provide another ground upon which a search warrant may issue; that the property or things to be seized consist of evidence which tends to show that sexual exploitation of a child, as defined, has occurred or is occurring.

Ch. 439 (AB 3650) Sher. Restraining orders.

Restraining orders entered after notice and hearing pursuant to the Uniform Parentage Act, generally speaking, may remain in effect only up to 90 days.

This bill would provide that restraining orders entered after notice and hearing pursuant to the Uniform Parentage Act may remain in effect up to 1 year, as specified

It also would make clarifying changes.

Ch. 440 (AB 3657) Rosenthal. Actions: reference

Existing law provides, upon agreement of the parties and the order of the court, for the trial of any or all issues in an action or proceeding, or the ascertainment of a fact necessary to enable the court to determine an action or proceeding, by reference

This bill would provide that the court may order such a reference upon the motion of a party to a written contract or lease which provides that any controversy arising therefrom will be heard by a reference if the court finds a reference agreement exists between the parties.

Ch. 441 (AB 3674) Nolan. Grand juries: experts.

Existing law authorizes a grand jury to employ 1 or more experts to assist in specified investigations and reports, at an agreed compensation, to be first approved by the court.

This bill would expand that provision to authorize the employment of 1 or more experts to assist in investigations and reports regarding redevelopment agencies

Ch 442 (AB 3676) Johnson Probate procedures.

Existing law provides that unless the will provides for a requirement of a bond for an executor or administrator, if a verified petition for letters testamentary or of administration alleges that all beneficiaries or all heirs at law have waived the filing of a bond, the court, on hearing the petition, if the petition so requests, shall direct that no bond be filed

This bill would instead permit the court, in those circumstances, to direct that no bond be filed

Ch. 443 (AB 3705) Thurman Courts sheriffs and marshals

Existing law specifies the duties of the sheriff with respect to the superior court and the duties of the marshal with respect to the municipal court

This bill would authorize the board of supervisors to provide for the marshal to assume the duties of the sheriff with respect to the Superior Court in Merced County, and to provide for the transfer of personnel from the sheriff's office to the marshal's office, and make related changes.

Ch 444 (AB 3721) Farr Criminal procedure incompetency to stand trial

Existing law provides that a person cannot be tried or adjudged to punishment while mentally incompetent If during the pendency of a criminal action and prior to judgment the court doubts the mental competence of the defendant and the defendant's counsel believes the defendant may be mentally incompetent, the court is required to hold a hearing on the issue which suspends all other proceedings in the criminal prosecution except as specified The court may order the hearing even if the defendant's counsel believes the defendant is mentally competent. If the action is on a complaint charging a felony the hearing may not be held until after the information or indictment has been filed When the action is on a complaint originating in a municipal or justice court and charging a misdemeanor, a demurrer or motion to dismiss or to return property or suppress evidence shall be made in the court having jurisdiction over the misdemeanor complaint.

This bill would provide that if the action is on a complaint charging a felony, the hearing to determine mental competence shall be held prior to the filing of an information unless counsel for the defendant requests a preliminary examination. Any demurrer or motion to dismiss or return property or suppress evidence in either a misdemeanor or felony complaint case originating in a municipal or justice court would be required to be made in the court having jurisdiction over the complaint.

Ch 445 (AB 3754) Imbrecht Hospital districts.

Existing law authorizes the board of directors of a hospital district to enter into any lease agreement for the operation and maintenance of the whole or any part of a hospital acquired or constructed, as prescribed. Existing law also prohibits any lease entered into for the operation and maintenance of any hospital from running for a term in excess of 10 years

This bill would extend the maximum term of a lease for an entire hospital to not more than 30 years.

The bill would take effect immediately as an urgency statute.

Ch. 446 (SB 18) Greene Physicians and surgeons.

Existing law provides that it is unlawful for any person to assume any degree or title not conferred upon him or her in the manner and by authority recognized in the Medical Practice Act. The law specifies that any person issued a physician's and surgeon's certificate by the Board of Medical Quality Assurance is entitled to use the initials "M D." and any person who holds a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners and a degree of doctor of medicine issued by a medical school located in California prior to 1962, as specified, may apply to the Board of Medical Quality Assurance for authorization to use the term "M D.".

This bill would require that, on and after the effective date of this act, a graduate of an osteopathic medical school must apply to the Board of Osteopathic Examiners for a physician's and surgeon's certificate.

Ch. 447 (SB 703) Dills. Fire protection inspections

Existing law does not provide for the inspection of high-rise structures, as defined, by local fire departments for compliance with building standards and other regulations of the State Fire Marshal.

This bill would authorize local fire departments to annually inspect high-rise structures for such compliance The bill would also require fire departments, which elect to conduct the inspection to submit the results to the State Fire Marshal in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection.

The bill would authorize a city or county which conducts those inspections to determine, charge, and collect a fee for the inspection sufficient to pay its costs. The bill would require the State Fire Marshal to determine his or her costs for inspections made pursuant to the bill and submit a claim to the Controller for that amount together with a designation of the city or county [in which the inspection was conducted]*, and the Controller would be required to deduct that amount from the moneys otherwise to be distributed to the designated city or county from motor vehicle license fees. The bill would, to the extent of those claims, reallocate a continuous appropriation and, thereby, would make an appropriation.

Ch. 448 (SB 1283) Beverly Corporations

Under existing law, a close corporation is defined as a corporation whose articles contain, among other things, a provision that all issued shares of all classes be held of record by not more than a specified number of persons, not exceeding 10.

This bill would change the number of persons who can hold shares of a close corporation to a number not exceeding 35.

Ch. 449 (SB 1301) Ellis. Marriage.

Existing law provides that the person issuing an authorization for the performance of a marriage without a license (a so-called "confidential marriage") to the couple to be married or the county clerk, upon providing a blank authorization form to a person empowered to issue such an authorization, is required to collect a fee at the time of filing of the certificate of marriage.

This bill would instead provide that the fee is to be collected at the time the authorization is provided and also would make technical and clarifying changes in that law.

It also would authorize the county clerk to conduct a search as to the existence of a confidential marriage certificate for the purpose of confirming the existence of the marriage and to issue a certified copy of such a certificate to the couple so married, as specified

It also would make additional changes in Section 26840.8 of the Government Code contingent upon the enactment and prior chaptering of SB 1330.

Ch. 450 (SB 1304) Vuich. Petroleum products

Under existing law, it is generally unlawful to use, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute a price unless the computed price is a true mathematical computation of the amount times the price per unit.

This bill would provide, however, that a person who sells at retail less than 5,000 gallons of gasoline per month or less than 60,000 gallons of gasoline per year is authorized to use, until January 1, 1984, a measuring device which is presently limited by design to computing ½ the total price by multiplying the amount delivered by ½ the price per unit.

This bill would also provide that no criminal penalty shall be imposed on any person coming within the provisions of the exception provided by this bill who uses such a measuring device on and after January 1, 1982, and before the effective date of this bill

This bill also would take effect immediately as an urgency statute.

Ch. 451 (SB 1318) Boatwright. Public officers. conflicts of interest

Existing law prohibits various public officers and employees from being financially interested in any contract made by them in their official capacity, or by any board of which they are members. Existing law prescribes that an officer not be deemed to be interested in a contract entered into by a body or board of which such person is a member, if the officer has only a remote interest in the contract, as defined, and other conditions are satisfied

This bill would include within the definition of remote interest the interest of an

engineer, geologist, or architect who is employed by a consulting engineering or architectural firm and who does not serve the firm in a primary management capacity

Ch 452 (SB 1372) Davis Subpoenas duces tecum

Existing law authorizes an attorney who is the attorney of record in an action or proceeding to sign and issue a subpoena to require attendance of a witness in court or to compel a person to appear for the taking of a deposition relative to a pending action or proceeding

This bill would authorize the attorney of record in an action or proceeding to sign and issue a subpoena duces tecum

Existing law provides that a subpoena duces tecum is invalid unless at the time of service an affidavit accompanies the subpoena The original affidavit is to be filed with the court issuing the subpoena before the time designated for the production of matters, as specified.

This bill, instead, would provide that the original affidavit is to be filed with the court in which the action is pending prior to the time designated for the production of matters

Under existing law, unless provided otherwise, a custodian of records or qualified witness of a business has 5 days, after the receipt of a subpoena duces tecum, to deliver a copy of the records requested as specified, if the custodian or witness is not a party to the action or the place where the action allegedly arose.

This bill would increase to 15 days in any civil action the period of time within which the records must be delivered by the custodian or witness after receipt of the subpoena.

The bill would also provide that the prescribed time period within which records must be delivered after receipt of the subpoena may be varied according to the agreement of the party who served the subpoena and the custodian or other qualified witness who was served

Under existing law, when the personal attendance of the custodian or other qualified witness is not required, the sole fees for complying with the subpoena are provided by law, as specified.

This bill would provide that the fees shall not exceed $12 in cases where no photocopying or reproduction of records is performed by the custodian or other qualified witness in making the records available

Under existing law, when the personal attendance of a custodian or other qualified witness and the production of original records is required by a subpoena duces tecum, the person subpoenaed is entitled to 20¢ a mile, one way only, to a maximum of $12 for each day of actual attendance.

This bill, instead, would provide that the subpoenaed person in a civil action is entitled to witness fees of $35 per day and mileage actually traveled, both ways, at 20¢ per mile.

Under existing law, a trust company is prohibited from disclosing any information to any person regarding the existence, condition, management, and administration of any private trust confided to it, except in specific circumstances, including where disclosure is required by a court of competent jurisdiction.

This bill would include an additional exception to the disclosure rule, namely where disclosure is required by a subpoena issued by an attorney in a civil action, pursuant to specified authority.

Ch 453 (SB 1447) Beverly. County clerks' fees

Existing law provides that in any county in which the population is 4 million or more, the fee for the preparation by the clerk of court-ordered orders or decrees in a probate proceeding, shall be $10.

This bill would provide that the fee be an amount necessary to defray the costs of preparation, as determined annually by the county clerk, but not to exceed $50

This bill would take effect immediately as an urgency statute.

Ch. 454 (SB 1782) Rains. Codes. maintenance

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1982, and

would not make any substantive change in the law

Ch. 455 (SB 1892) Stiern. Local government: District Reorganization Act of 1965.

Under the existing District Reorganization Act of 1965, one of the conditions upon which an order establishing a district of limited powers as a subsidiary district to a city may be adopted is that a portion of the territory of the district is included within the boundaries of a city and such portion both (a) represents 70% or more of the area of taxable or assessable land within such district and (b) contains 70% or more of the number of registered voters who reside within the district.

This bill would revise the requirement described in (a) to require that the portion of the territory represent 70% or more of the area of land in the district, as determined by reference to the statements and the maps or plats filed pursuant to certain provisions of existing law for the current fiscal year, instead of 70% or more of the area of taxable or assessable land

Ch 456 (SB 1899) Foran Lotteries.

Under the State Constitution the Legislature may not authorize lotteries other than bingo to be conducted. Statutory law defines "lottery" and prohibits, as criminal offenses, conducting lotteries, selling lottery tickets, and other acts relating to lotteries. Existing law also regulates various forms of gaming.

This bill would provide that the laws regulating lotteries and gaming are not applicable to a reverse vending machine, as defined, which provides money or other incentives at random when empty containers are deposited for recycling. The bill would expressly state that the deposit of a container in a reverse vending machine does not constitute consideration within the definition of lottery

This bill would take effect immediately as an urgency statute

Ch 457 (SB 1959) Keene. Product standards bread

Existing law requires all loaves of bread sold, made, or procured for the purpose of sale, or offered or exposed for sale in this state, with the exception of "stale bread," to be of specified weight.

This bill would exempt bread not sold, or not intended to be sold, to retail consumers from the provisions specifying the weight for loaves of bread sold in this state

Ch 458 (SB 1968) Marks Validations

This bill would enact the Third Validating Act of 1982, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

Ch 459 (SB 1990) Stiern Court commissioners· Kern County

Under existing law, the court commissioner for the superior court in Kern County is required to also perform the duties of a jury commissioner

This bill would delete that requirement.

Ch. 460 (SB 1974) Dills. Development projects

Existing law requires a public agency which is a lead agency, as defined, to approve or disapprove a development project within 1 year from the date an application requesting approval is received and accepted as complete by the lead agency and requires a responsible agency, as defined, to approve or disapprove development projects within 180 days of the date the lead agency takes action or within 180 days of the date on which the application is received and accepted as complete.

This bill would permit the applicant or his or her representative to file a writ of mandate action to compel the agency to hold a hearing, if any provision of law requires the lead agency or responsible agency to hold any public hearing on the development project and the agency has not held such a hearing at least 60 days prior to the expiration of the above time limits. The bill would require the court to give the writ of mandate proceeding preference over other civil actions, except older matters of the same character.

Ch. 461 (AB 2449) Leonard. Juvenile court law.

Under existing law, an officer who takes a minor into temporary custody may take any of various designated actions

This bill would also authorize the officer (1) to take certain minors who are taken into custody on the basis that there may be grounds to declare them dependent children of the court to a community service program for abused or neglected children and (2) to take minors taken into custody on the basis there may be grounds to declare them wards of the juvenile court to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services, as specified.

It also would provide that the probation officer is not required to make an investigation as to whether proceedings in juvenile court should be commenced with regard to such a minor falling within (1) above unless the agency to which the minor is delivered or referred requests the probation officer to do so.

Ch 462 (AB 2199) Frizzelle. Psychologists

Existing law requires all new applicants for registration as psychology assistants to have a master's degree in psychology, or education with the field of specialization in psychology or counseling psychology.

This bill would authorize a person who is in good standing for a doctoral degree or who has a doctoral degree that is qualifying for licensure in the above disciplines to be eligible for registration as a psychology assistant.

Existing law provides that no agency within the Department of Consumer Affairs, except for professional engineers, shall be required to publish a directory of its licensees.

This bill would, notwithstanding such provisions, authorize the committee to publish, biennially, a geographical directory of its licensees. The bill would require such directory to be furnished to licensees and to others at cost.

Existing law authorizes the Psychology Examining Committee to appoint commissioners on examination.

This bill would also authorize the committee to appoint occasional professional commissioners for short-term periods to assist the committee in its nonpolicy workload

Existing law prescribes the grounds for the denial, suspension, or revocation of license or registration relating to the practice of psychology

This bill would add to such grounds the functioning outside of his or her particular fields of competence

The bill would require the committee to report the facts to all other state psychology licensing boards whenever it revokes a license for cause, except as specified.

The bill would authorize the committee to require a licensee who has been placed on probation or whose license was suspended to obtain additional training and to pass an examination and to pay an examination fee.

Existing law provides that any person violating any provision of the Psychology Licensing Law is guilty of a misdemeanor which is punishable by 6 months in jail, or a fine of not more than $500, or both.

This bill would increase the maximum fine to $2,000

Existing law authorizes the Division of Allied Health Professions to seek an injunction from a superior court to restrain the conduct of any unlicensed person engaging in acts in violation of the Psychology Licensing Law.

This bill would authorize the Psychology Examining Committee to seek such injunction as specified, rather than the division.

Existing law provides that any person who fails to renew his or her psychology license within 5 years may not renew it thereafter but the person may apply for a new license if he or she meets the requirements of the Psychology Licensing Law.

This bill would revise that provision by authorizing a person who has failed to renew his or her psychology license within 5 years to obtain a new license if he or she meets the requirements of the licensing law and has not committed any acts constituting grounds for denial of a license, establishes that he or she is qualified to practice psychology and pays all the required fees.

Existing law does not provide for an inactive psychology license

This bill would authorize a licensed psychologist to apply for inactive status under specified conditions and establishes a fee for an inactive license.

Existing law provides that the money in the Psychology Fund is continuously appropriated for administering the Psychology Licensing Law.

The fees provided in this bill will result in an increase in that fund which will be

available for expenditure

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 463 (AB 3683) N Waters Streets City of South Lake Tahoe.

Existing law authorizes the legislative body of any city to do any and all things necessary to lay out, acquire, and construct any section or portion of any street or highway within its jurisdiction as a freeway.

This bill would specifically authorize the City of South Lake Tahoe to complete construction of the loop road from its funds, including preparation of any necessary environmental impact report and securing any necessary approval of the Tahoe Regional Planning Agency

Ch. 464 (SB 1989) Stiern. Big Pine Community Services District· hydroelectric power generation

Under existing law, districts organized pursuant to the Community Services District Law are not generally authorized to provide for the generation of hydroelectric power However, among others, the San Juan Suburban Water District, a community services district, is authorized by special provisions to construct, install, own, maintain, or operate hydroelectric power generating facilities, and transmission lines for the conveyance thereof, by adoption of that power by a resolution of the board of directors entered in the minutes. Existing law also requires the facilities to be operated in a manner consistent with the district's storage, transmission, and distribution of domestic irrigation water

This bill would include the Big Pine Community Services District within those special provisions and would provide for related matters. The bill would make legislative findings and declarations in that connection.

The bill would take effect immediately as an urgency statute

Ch. 465 (AB 3401) Harris. Public Contract Code

Existing law contains provisions for public contracts in numerous codes, including the Education, Government, Public Utilities, Streets and Highways, and Water Codes, as well as in various uncodified acts

This bill would repeal many of the above mentioned provisions. In addition, the bill would add the repealed provisions to the Public Contract Code.

Ch 466 (SB 2058) Rains. Maintenance of codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes and legislation necessary to codify such statutes as are enacted from time to time subsequent to the enactment of the codes.

This bill would restate existing provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature for consideration during 1982, and would not make any substantive change in the law

Ch 467 (AB 959) Hallett Air pollution. implements of husbandry

Existing law excludes racing vehicles and specified motorcycles from vehicular air pollution control laws

This bill would exclude implements of husbandry from vehicular air pollution control laws until January 1, 1985

Ch. 468 (AB 3554) Ryan Governmental reporting: public lands.

Existing law requires county assessors and the Department of Finance, Division of State Lands, to report biennially on ownership of public land.

This bill would eliminate the assessor's reporting duties and would instead require the State Lands Commission to report in 1990 and decennially thereafter on the ownership of public land.

Ch. 469 (AB 3793) Frizzelle. Recreation County of Orange property in Sunset Beach.

Existing law contains various provisions authorizing counties to provide park and recreation services and facilities.

This bill would authorize the County of Orange to contract with any person, firm, or corporation for the repair or renovation of private property located in the community of Sunset Beach, to be utilized for public purposes

The bill would take effect immediately as an urgency statute.

Ch 470 (AB 1078) Floyd. Vehicles registration and equipment: employed drivers.

Under existing law, an owner or other person employing or directing the driver of a vehicle is prohibited from, among other things, requesting, causing, or permitting the operation of a vehicle which is unregistered or for which a fee has not been paid, is not properly equipped, does not comply with size, weight, or load requirements, or does not comply with air pollution requirements. Existing law provides, by assigning points to violations of the Vehicle Code, including those above, for determining if a person is a negligent driver for purposes of suspending, revoking, or restricting the privilege to drive.

This bill would exclude from the point count of a driver those violations resulting from the operation of a vehicle with those registration and equipment violations when employed or directed to do so

Ch 471 (AB 2390) Bergeson. Schools. temporary county certificates

With certain specified exceptions, existing law permits each county or city and county board of education to issue temporary certificates to authorize salary payments to certificated employees whose credential applications are being processed or to certain other personnel whose permit applications are being processed. Under current law, these temporary certificates are valid for a maximum of 120 schooldays and only until the credential or permit originally requested is either issued or denied by the Commission for Teacher Preparation and Licensing

This bill would authorize a one-time extension of the temporary certificate for a period of not more than 60 schooldays due to delays in processing a credential application, except when the commission certifies in writing that the applicant does not possess adequate academic qualifications or apparently has a criminal record which would disqualify the application This bill would specify that failure of the commission to so certify shall be construed to mean that the applicant possesses adequate qualifications and does not have a criminal record which would disqualify the application. This bill would further specify that in no event shall a temporary certificate or permit be valid beyond the time that the commission either issues or denies the originally requested credential or permit

Ch 472 (SB 818) Petris Immunizations· communicable diseases

(1) Under existing law, persons under 18 years of age are required to be immunized against poliomyelitis, measles, diphtheria, pertussis, tetanus, mumps, and rubella (German measles) prior to unconditional first admission to a public or private elementary or secondary school (except a community college), child care center, day nursery, nursery school, or development center.

This bill would additionally require such immunization prior to transfer to, or attendance at, one of the institutions. The bill would also exempt all students who have reached the age of 7 from the requirement of immunization against pertussis or mumps

(2) Existing law exempts from the rubella and mumps immunization requirements for school entry persons already enrolled in California public or private schools as of January 1, 1980

This bill would, instead, only exempt such persons from the rubella immunization requirement for school attendance until such persons transfer to, enter, or attend a school at the 7th and 9th grade levels. The bill would make unnecessary screening for rubella of students entering the 9th grade on or after February 1, 1985, and would make unnecessary screening for rubella of students entering the 7th grade on or after February 1, 1987.

(3) Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would appropriate $610,453 to the Controller for allocation and disbursement in the 1982–83 fiscal year in accordance with Section 2231 of the Revenue and Taxation Code to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) This bill would take effect immediately as an urgency statute.

Ch 473 (AB 858) N Waters Historical resources: Railtown 1897.

(1) The Budget Act of 1981 appropriates $1,500,000 from the State Parks and Recreation Fund for the acquisition, working drawings, and construction of "Railtown 1897" in Tuolumne County subject to, among other provisos, the condition that the owner of the connecting railline between Oakdale and Sonora grants the state the perpetual use of the right-of-way free of charge for specified trains.

This bill would amend and supplement the Budget Act of 1981 to revise that condition to instead require the owner of that railline to grant the state the use of the entire right-of-way free of charge for specified trains, to grant the state at no cost to the state at least 6 miles of track and right-of-way, as specified, upon abandonment of the right-of-way, and to grant the state an option to purchase the remaining track and right-of-way upon abandonment, as specified, and to require the instruments making or effecting those grants to provide that they are binding on any successors and assigns and are to be recorded in the official records of Tuolumne County

(2) The bill would also require the department, in awarding the first concession contract to operate trains or facilities at Railtown 1897, to give preference to nonprofit organizations that are responsible bidders and that offer increased historical interpretation for the maintenance, operation, and repair of the trains and facilities.

(3) The bill would take effect immediately as an urgency statute

Ch. 474 (SB 1946) Petris. Alcoholic beverages.

Existing law prohibits the issuance of a retail alcoholic beverage license for any premises where the exercise of the rights and privileges of the license are contrary to a valid zoning ordinance unless the premises had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance

This bill would provide that premises which had been used in the exercise of rights and privileges prior to the zoning ordinance may continue operation if (1) the premises retain the same type of retail license within a license classification and (2) the licensed premises are operated continuously without substantial change in mode or character of operation.

Ch. 475 (SB 1902) Ellis Redevelopment agencies. assessment roll.

Existing law requires certain county officials to prepare a report generally identifying the tax agencies affected by tax increment financing of redevelopment. The report is required to contain, among other things, data relating to the assessed valuation of the project area for the preceding 5 years.

This bill would, instead, require that the report contain data relating to the assessed valuation of the project area for the preceding year, or, if requested by the redevelopment agency, for the preceding 5 years.

Existing law also requires that the report contain data relating to the total assessed valuation of all taxable property outside, but within a specified distance of, the boundaries of the project area.

This bill would, instead, only require the inclusion of such data in the report if requested by the redevelopment agency.

Ch. 476 (AB 2362) Hughes. Burglary prevention.

Existing law provides for an appropriation of $20,000 from the General Fund to the

Department of Justice for expenditure in combination with federal funds for a pilot project relating to burglary prevention and education

This bill would delete the condition on the expenditure of the appropriation relating to expenditure of federal funds

The bill would take effect immediately as an urgency statute

Ch 477 (AB 3660) Frazee Mobilehomes transfer

Under existing law, a person who gains ownership of a mobilehome in a mobilehome park, because of the death of the prior owner, has a right to sell it to a third party, consistent with statutory provisions regarding transfers of mobilehomes.

This bill would require a person who gains ownership because of the death of the prior owner to satisfy his or her responsibilities and liabilities to the management regarding rent, utilities, and reasonable maintenance of the mobilehome and its premises which have arisen after the transfer of ownership to that person

Under existing law, a legal owner who has repossessed a mobilehome has the right to sell it to a third party, as specified, unless the tenant's responsibilities and liabilities to the mobilehome park are not satisfied

This bill would include reasonable maintenance of the mobilehome and its premises as responsibilities and liabilities which may restrict the right to sell the mobilehome and would extend the relevant date regarding such responsibilities and liabilities to the date the mobilehome is resold.

This bill would incorporate additional changes in Section 798 79 of the Civil Code proposed by Assembly Bill No 2429, to be operative only if Assembly Bill No 2429 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch 478 (SB 850) Mello Adult day health care programs.

Chapter 911 of the Statutes of 1980 appropriated $500,000, without regard to fiscal years, to the State Department of Health Services for purposes of contracting on a 1-time funding basis with community organizations for specified expenses incurred in the initial operation of licensed adult day health centers. The centers are required to match a portion of the total funding, as specified, and adult day health centers so assisted are required to primarily serve prescribed recipients of Medi-Cal benefits

This bill would appropriate $250,000, without regard to fiscal years, to the department to contract with any public agency or private nonprofit agency for funding establishment of adult day health centers, which will be or have recently become licensed, subject to the same conditions as the appropriation made in Chapter 911 of the Statutes of 1980

The bill would take effect immediately as an urgency statute and would become operative on July 1, 1982.

Ch 479 (AB 2629) Moore. Subdivision maps appeals.

(1) Existing law permits an appeal to be taken to the appropriate local legislative body from the decision of an appeal board on an approved or disapproved tentative subdivision map The legislative body is required to hold a hearing on the appeal within 30 days after the appeal has been filed

This bill would, instead, require that the legislative body hold a hearing on the appeal within 30 days after the subdivider or appellant has filed a request for a hearing on the appeal

(2) Existing law does not require that an appeal from the action of the appeal board to the legislative body be in writing.

This bill would require that an appeal from the action of the appeal board to the legislative body be in writing

Ch 480 (SB 2062) Keene Air pollution unified districts

Existing law authorizes 2 or more contiguous counties to merge their county air pollution control districts into a unified district The board of supervisors of each county included within a unified district is required to appropriate funds for the district in the proportion that the population of that portion of the county included within the unified district bears to the total population of the unified district.

This bill would instead require the board of supervisors to appropriate funds for the unified district as specified in the agreement creating the unified district

Ch. 481 (AB 770) Thurman Flood control.

(1) Under existing law, districts may be organized under the Drainage District Act of 1903 to provide, among other purposes, for the control of flood, storm, and other waste waters occurring on district-owned lands and may adopt separate plans and exercise specified powers for that purpose.

This bill would refer to lands of the district, rather than lands owned by the district, and would expressly include the control of waters from local creeks within the purposes and powers of the district

(2) Under the provisions of Chapter 941 of the Statutes of 1980, the Department of Water Resources is authorized, pursuant to a written agreement, to transfer to the Lower San Joaquin Levee District, from funds appropriated to the department for capital outlay for the Sacramento River bank protection project, an amount not to exceed $50,000 for expenditure for specified flood control work along Bear Creek.

This bill would authorize a similar transfer not to exceed a total sum of $50,000 from funds appropriated to the department during the 1981–82 and 1982–83 fiscal years.

(3) The bill would authorize the Reclamation Board to enter into a cooperative agreement with the Department of Transportation to reimburse the department for the additional costs of constructing the Highway 59 bridge where it crosses Fahren's Creek which are necessary to meet flood control requirements.

Ch. 482 (AB 3050) Kapiloff. State lands. San Diego County.

(1) Under existing law, specified lands were conveyed to the County of San Diego and the City of San Diego to be used only for county or municipal purposes, including the erection and maintenance thereon of county and municipal buildings.

This bill would, subject to specified conditions, permit the lands to be used for any nonresidential purpose, including, but not limited to, the right to lease, for not more than 66 years, portions thereof to private interests for commercial and recreational uses and to permit construction, reconstruction, repair, maintenance, and operation thereon of such buildings, facilities, utilities, structures, and appliances as may be incidental, necessary, or convenient for the promotion and accommodation of any such uses. The bill would make related changes and declarations of intent.

(2) Existing law excepts and reserves to the state all minerals, including oil and gas, in certain of those lands and the right to prospect for, mine, and remove those deposits.

This bill would except and reserve those minerals and rights to the state with respect to other lands and would waive the right by the state to enter to a depth of 500 feet below the present surface to allow development of the lands.

(3) The bill would take effect immediately as an urgency statute.

Ch 483 (SB 324) Petris Superior Courts.

(1) Under existing law, there are 14 superior court judges in Contra Costa County.

This bill would increase the number of superior court judges in Contra Costa County from 14 to 15.

(2) Under existing law, there are 6 superior court judges in Stanislaus County.

This bill would increase the number of superior court judges in Stanislaus County from 6 to 8.

(3) This bill would appropriate $262,651 to the Controller for allocation and disbursement as specified; and would further provide that no appropriation is made by this act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that this act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of this act.

Ch. 484 (SB 1511) Robbins. Mortgage guaranty insurance.

Existing law requires that in addition to paid in capital and surplus, each mortgage guaranty insurer is required to establish a contingency reserve out of net premiums

remaining (gross premiums less premiums returned to policyholders) after establishment of an unearned premium reserve To the contingency reserve the insurer is required to contribute an amount equal to 50% of the remaining premiums

This bill would instead provide that in addition to the paid in capital and surplus, each mortgage guaranty insurer shall establish a contingency reserve after establishment of the unearned premium reserve, with an annual contribution to the contingency reserve which is in aggregate the greater of either 50% of the unearned premium or the policyholders surplus required to be established under specified provisions, divided by 10

Existing law prohibits a mortgage guaranty insurer from having an outstanding total liability under its aggregate insurance policies exceeding 25 times its policyholders surplus, as specified

This bill would instead provide that a mortgage guaranty insurer shall maintain at all times a policyholders surplus in an amount not less than as specified. The bill would also specify the manner for calculating the policyholders surplus

Ch. 485 (AB 2889) N Waters State Board of Fire Services: membership.

Existing law provides for a State Board of Fire Services, and prescribes its membership, including 4 fire service labor representatives.

This bill would remove the Supervisor of the California Fire Service Training Program from the board and would increase the number of fire service labor representatives to 5

Ch. 486 (AB 3550) Costa. Shared appreciation loans

Under existing law, a shared appreciation loan originated by a lender on behalf of a pension fund which is subject to the Federal Employee Retirement Income Security Act of 1974 is required to conform to the terms and conditions of specified provisions, unless a shared appreciation loan is made pursuant to other provisions of law or is not otherwise unlawful.

This bill would recast the above provision in other language and would declare that it is declaratory of existing law

Ch 487 (AB 630) Frazee Benefit assessments· drainage, flood control, and street lighting services. fire protection districts

(1) Existing law authorizes, until June 30, 1983, local agencies, as defined, which provide fire protection and prevention services or which provide police protection services to propose for adoption, by the affirmative vote of ⅔ of the voters voting on such proposition, a standby or availability charge for fire suppression or police protection services or a special tax for fire protection and prevention or police protection services provided by the local agency

This bill would delete the provision terminating the authority to levy that charge or tax on June 30, 1983

(2) Existing law authorizes flood control districts, maintenance ~~districts~~ [areas]* created under the State Water Resources Law of 1945, [the Collinsvile Levee District,]* and Levee District No 1 of Sutter County to levy assessments to cover the cost, not otherwise offset by other available revenue, of providing flood control services within the district, subject to approval of a majority of those voters voting on the issue.

Existing law authorizes special road maintenance districts, maintenance districts created under the Improvement Act of 1911, and districts created under the Highway Lighting District Act to levy assessments for installing, operating, and maintaining street lights, subject to approval of a majority of those voters voting on the issue.

Existing law authorizes drainage districts organized pursuant to the Drainage District Act of 1885 to levy assessments to cover the costs not otherwise offset by other available revenue of providing drainage services within the district.

This bill would repeal the above provisions and replace them with the Benefit Assessment Act of 1982

The bill would authorize any city, county, city and county, special district, or any other municipal corporation or district to levy an assessment, under specified circumstances, to finance drainage, flood control, and street lighting services

The bill would specify the procedure to be followed by the local agency in order to

levy the benefit assessment, including, among other things, a requirement that the proposition be submitted to the eligible voters within the jurisdiction of the local agency and that it take effect upon the approval of a majority of those voters voting on the issue

The bill would specify that its provisions are not to be construed as affecting any benefit assessment proceedings undertaken prior to its effective date, and would provide that procedures for the adoption and levy of benefit assessments in accordance with statutes amended or repealed by this bill shall be deemed to be in compliance with the provisions of this bill.

(3) Existing law provides that, until January 1, 1984, the maximum rate at which bonds, notes, warrants, or other evidences of indebtedness of a local agency may bear interest is 12% Existing law would reduce that rate to 10% for indebtedness incurred on or after January 1, 1984

This bill would conform specific provisions relating to the rate of interest paid by fire protection districts, organized under the Fire Protection District Law of 1961, to the existing law

(4) Existing law requires fire protection districts, organized under the Fire Protection District Law of 1961, to levy and collect a tax in an amount sufficient to pay the interest on district indebtedness and that portion of the principal which will become due before the proceeds of a tax levied at the next general tax levy will be available.

This bill would recast those provisions and would, instead, require that a part of the property tax revenues apportioned to the district by the county auditor be specifically allocated to pay the interest and principal on certain district indebtedness on an annual basis

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(6) This bill would take effect immediately as an urgency statute

Ch 488 (AB 3552) Robinson Real property remedies

Existing law does not specify that a judgment in unlawful detainer declaring the forfeiture of a lease or agreement under which real property is held shall not relieve the lessee from liability pursuant to Civil Code provisions for the recovery of unpaid rent

This bill would so provide

Ch 489 (AB 3735) Costa Subdividers security for improvements

Under existing law, a local agency, in the approval of a subdivision, may require the subdivider to make certain public improvements and to post security for performance of the work and for payment of the contractor, subcontractors, and persons furnishing labor, materials or equipment for the improvement

This bill would exempt from security requirements for the payment of the contractor, subcontractors, and persons furnishing labor, materials, or equipment, a California nonprofit corporation funded by the state or one of its agencies or by the United States or one of its agencies, if certain specified conditions are met

The bill would take effect immediately, as an urgency statute

Ch 490 (SB 1466) Davis Insurance

Under existing law, all investments and deposits of the assets of an insurer, and all purchases and sales of an insurer shall be made in its own name, or in the name of a corporation authorized to act as a trustee, or in the name of a nominee of such a corporate trustee

This bill would authorize an insurer to own shares of an open-end diversified management company, in specified circumstances

Ch 491 (AB 2609) Robinson City of Santa Ana local assistance resources grants relief

Under the Z'berg-Collier Park Bond Act and under the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, local assistance grants were made to the City of Santa Ana for the acquisition and development of West Reservoir Park and La Bonita Park, respectively

This bill would authorize the city to sell, for fair market value, the real property comprising those parks if the city uses the proceeds from the sales for the development of new, or the improvement of existing, park and recreation facilities at other parklands, subject to the approval of the Department of Parks and Recreation, returns the proceeds of the sales not so used to the department for deposit to the bond act funds, and enters into state grant project agreements with the department

The bill would take effect immediately as an urgency statute

Ch 492 (AB 828) Bosco Geothermal resources low-temperature wells

(1) Under existing law, the owner or operator of a geothermal well is required to appoint an agent who resides in the state; to notify the State Oil and Gas Supervisor of various transactions regarding the operation, sale, or transfer of any geothermal well; to submit to the supervisor monthly production statements regarding those wells; and to file specified indemnity bonds

This bill would authorize the supervisor to approve the exemption of any low-temperature geothermal well, if used domestically or in a noncommercial manner, from these requirements.

(2) Under existing law, the supervisor may approve, within geothermal resource areas, the drilling of low-temperature geothermal wells at whatever location deemed advisable, subject to provisos

This bill would eliminate the restriction that the well be in a geothermal resource area

(3) Existing law defines a "low-temperature geothermal well" to be a well drilled in a geothermal resource area for the purpose of producing geothermal resources, as defined

This bill would eliminate, from the definiton of a low-temperature geothermal well, the requirement that the well be drilled in a geothermal resource area

(4) This bill would require one-half of the revenues received by the state from leasing of lands received from the United States as indemnity lands after July 1, 1980, for geothermal development to be deposited in the General Fund and the other half in the Geothermal Resources Development Account, which is a continuously appropriated account, in the General Fund, and thus the bill would make an appropriation.

Ch 493 (AB 3201) Hannigan Courts Yolo County

Existing law specifies the number, classification, and compensation of various officers and employees of the municipal and superior courts in Yolo County.

This bill would revise the number, classification, and compensation of various officers and employees of the municipal court, and authorize the employment of various personnel by the superior court, as specified, in Yolo County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 494 (AB 1353) Papan Outdoor advertising

(1) Existing law prohibits local governmental entities from compelling the removal of any advertising display which was lawfully erected and still in existence on November 6, 1978, pursuant to the Outdoor Advertising Act or any statute, ordinance, or regulation The provision does not apply to displays which were erected pursuant to a written agreement with a governmental entity providing for the removal of the displays after a fixed period of time The provision remains in effect until January 1, 1983, when it is repealed

This bill would prohibit the compelled removal of any lawfully erected advertising display without payment of compensation to the owner of the advertising display and

the owner of the land upon which the display is located, except that any city, county, or city and county could require the removal without compensation of advertising displays in residential and agricultural areas in accordance with specified procedures. The prohibition against compelled removal without compensation would not apply to any judicial proceeding filed and served by any city, county, or city and county prior to January 1, 1982, but would apply in actions involving advertising displays located within 660 feet from the right-of-way of an interstate or primary highway or advertising displays beyond 660 feet from the right-of-way of an interstate or primary highway.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 495 (AB 3087) Moorhead Municipal utility districts: bonds

Under the Municipal Utility District Act, a municipal utility district which has owned and operated an electric distribution, water distribution, or sewage disposal system for at least 8 years and has a population of 250,000 or more may issue bonds for construction or improvement of any part of its system pursuant generally to the Revenue Bond Law of 1941, except, among other things, the bond law's procedures for authorization of a bond issue by the district's board of directors.

This bill would also make certain provisions of the bond law requiring the board to give notice inviting sealed bids and awarding the bonds to the highest bidder inapplicable to this category of district

Ch. 496 (AB 70) Young (Crim J). Hazardous waste

(1) Existing law imposes civil penalties for various violations of the hazardous waste control law

This bill would revise and recast those civil penalties and would, among other things, impose a minimum penalty of $1,000 for intentionally disposing or causing the disposal of any hazardous or extremely hazardous waste at an unauthorized point.

Existing law requires civil penalties recovered pursuant to enforcement provisions to be deposited in the continuously appropriated Hazardous Waste Control Account in the General Fund, which funds may be expended by the State Department of Health Services for the purposes of administering specified hazardous waste control statutes. By increasing those penalties, this bill would make an appropriation

(2) Existing law specifies criminal sanctions, including a maximum fine and imprisonment, or both, for violation of, among other things, specified disposal, documentation, and response requirements

This bill would establish a minimum fine for violating those provisions

(3) The bill would also provide that no provision of the hazardous waste control law shall be construed as limiting the power of the Attorney General to bring any civil or criminal action.

(4) Existing law imposes a tax on specified producers of hazardous waste in a specified manner, including, among other things, an authorization for the State Board of Equalization to collect this tax and the fees on the disposal of hazardous waste

This bill would require the State Board of Equalization to collect, and to administer the provisions imposing, those fees The bill would, among other things, revise the due dates of specified reports to, and from, the State Board of Equalization and revise the maximum amount of the taxes imposed on producers of hazardous waste The bill would require hazardous disposal facility operators, as specified, to register with the board, instead of the department, and revise the penalties for failing to make the specified tax returns and reports

The bill would also exempt any state or local agency, or its contractor, which, after September 25, 1981, removes or remedies a release of hazardous waste by another person, from these fees and taxes

(5) Existing law continuously appropriates the money deposited in the Hazardous Waste Control Account in the General Fund to the department for specified purposes.

The department is required to reimburse the State Water Resources Board out of this account for expenses incurred by the department in reviewing and approving waste disposal facility closure

This bill would, additionally, appropriate part of that account for making specified refunds. The bill would declare that it is the intent of the Legislature that funds be annually appropriated in the Budget Act from this account to the board, for those costs specified above The bill would also authorize the funds in this account to be used for toxic research and information programs

(6) Existing law provides for regulation of land use on land around hazardous waste property or border zone property, and limits the uses to which that land may be put.

This bill would provide a procedure for the department to examine and determine if the use of land constitutes a significant existing or potential hazard to present or future public health or safety, as specified, and would prohibit local jurisdictions from taking any action with respect to use of that land.

(7) The bill would make other conforming changes.

(8) The bill would also provide that if AB 3696 is chaptered and amends Section 25174 of the Health and Safety Code, the provision of that bill amending Section 25174 will become operative and the provisions of this bill amending that section and adding the section regarding the effective date of changes in the fee schedules for operators of sites for hazardous waste will not become operative, whether AB 3696 is chaptered prior to or subsequent to this bill.

(9) Existing law requires the department to publish by April 1, 1982, a priority ranking of hazardous waste disposal sites requiring remedial action for purposes of expending the funds appropriated for this purpose

This bill would delete those provisions and instead require the department to adopt regulations by April 1, 1983, establishing the criteria for the selection and priority ranking of sites for remedial action, and to publish and revise that list annually, as specified The bill would require the department to provide a report to the Legislature, on or before July 1, 1982, which lists the sites upon which funds are proposed to be expended for remedial action during the 1982–83 fiscal year and would also require that funds appropriated to the department, for that fiscal year, only be expended on those listed sites

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(11) The bill would take effect immediately as an urgency statute, except that the provision specifying the effective date of changes in the schedule of fees for operators of sites for hazardous wastes will not become operative until January 1, 1983

Ch 497 (AB 798) McAlister Judgments

Existing law contains numerous provisions regarding enforcement of judgments AB 707 would make substantial and comprehensive revisions to that law.

This bill would make conforming and corresponding changes in various codes to facilitate or effect the implementation of the provisions of AB 707

AB 707 would eliminate provisions providing for the redemption of real property sold on execution.

This bill would add provisions for the redemption of real property sold after a decree of foreclosure where a deficiency judgment may be ordered against the defendant

Existing law provides a fee for a keeper or keepers used for keeping and caring for property under attachment, execution, or claim and delivery. In addition, the levying officer receives a $14 fee for service in making a levy, but no additional fee is allowed the levying officer for maintaining the property in custody by the use of a keeper This bill provides for a fee of $11 for the levying officer for each day custody is maintained by use of a keeper after the first day

This bill would become operative only if AB 707 is chaptered and, in that event, would become operative on July 1, 1983, the same as AB 707

Ch. 498 (SB 474) Garamendi. Courts: San Joaquin County

Existing law provides for 8 superior court judges in San Joaquin County.

This bill would increase the number of superior court judges in San Joaquin County from 8 to 10; and would further increase the number of superior court judges in San Joaquin County from 10 to 11 upon the occurrence of a specified resolution by the board of supervisors. The bill would make related changes.

The bill would appropriate $227,534 from the General Fund to the Controller for allocation and disbursement as specified; and would further provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation to reimburse the agency or district for any costs incurred because of the act

Ch. 499 (AB 2245) Hughes Housing home loan mortgages

Under existing law, there is no public agency authorized to guarantee the payment of principal and interest on mortgage-backed securities

This bill would create the California Home Loan Mortgage Association, as such a public agency to be administered by a board of directors of a prescribed composition and specify its powers.

The bill would authorize the association to guarantee the payment of principal and interest on securities backed by a pool composed of eligible mortgages, as defined, of eligible issuers, as defined, who are mortgage lenders. The bill would authorize the association to issue mortgage capital certificates, as defined, to carry out its functions, and to charge application and guarantee fees to fund its expenses, security guarantees, and the retirement of the certificates

The bill would create the California Home Loan Mortgage Fund in the State Treasury and require the association to create in that fund a special account known as the Operating Account and a special account known as the Guarantee Reserve Account

Ch. 500 (SB 398) Roberti. Open-space and recreation facilities assistance.

(1) Under the Roberti-Z'berg Urban Open-Space and Recreation Program Act, administered by the Department of Parks and Recreation, grants are made by the department to applicant cities, counties, recreation and park districts, and certain public utility districts in urbanized, heavily urbanized, and nonurbanized areas, as defined, for the acquisition or development of recreational lands and facilities for recreational and open-space purposes.

For purposes of the act, "need basis grant" is defined to mean the allocation of moneys for projects for the acquisition or development of recreational lands and facilities in nonurbanized areas on a project-by-project basis based upon need

This bill would delete from that definition the requirement that the project be in nonurbanized areas.

(2) Under existing law, grants under the act are funded by moneys appropriated by various budget acts and other appropriations from the General Fund to the department for the program Allocations of those appropriations made by the department are required to be encumbered by the grant recipient, generally, within 3 years of the grant approval or December 31, 1981, whichever is later, or they revert to the General Fund.

This bill would establish the Roberti-Z'berg Urban Open-Space and Recreation Program Account in the General Fund, transfer the unallocated balances of various appropriations for the program to the account, and continuously appropriate those funds to the department without regard to fiscal years

The bill would also provide that grant moneys not encumbered within the 3-year period revert to the unallocated balance in the account and may be reallocated as specified.

(3) Under the existing act, in the expenditure of grant moneys, recipients are required to place emphasis on unmet needs in the most heavily populated areas within the jurisdiction

This bill would require recipients to place emphasis on the unmet needs also of the most economically disadvantaged areas

(4) The existing act authorizes up to 23% of grant moneys to be expended for the operation and maintenance of lands or facilities acquired or developed with grant

moneys or for innovative recreational programs.

This bill would authorize up to 31% of grant moneys to be expended for those purposes

(5) Under the existing act, grants are made on the basis of 75% state money and 25% local matching money for a project

This bill would provide for the elimination of the matching-fund requirement with respect to a recipient that has urgent unmet needs for recreational lands and lacks the financial resources to acquire those lands, determined as specified

Ch 501 (SB 213) Watson Dietitians

No provision of existing law prescribes qualifications for any person representing himself or herself as a dietitian or registered dietitian, restricts the use of the title "dietitian" or "registered dietitian," or prescribes what activities may be undertaken by a registered dietitian.

This bill would require persons representing themselves as dietitians or registered dietitians to possess prescribed qualifications and would make it a misdemeanor for a person to use such titles without meeting the prescribed qualifications The bill would provide that any person employed by a licensed health care facility as a registered dietitian on the effective date of the act may continue to represent himself or herself as a registered dietitian while employed by that licensed health care facility if he or she satisfies specified requirements, which do not include an examination The bill would also prescribe what activities may be undertaken by a qualified registered dietitian upon proper referral and would make it a misdemeanor to practice in a manner inconsistent with such prescription A proper referral would be a referral by a health care provider, as defined, authorized to prescribe dietary treatments, accompanied by a written prescription, as specified. The requirement of a written prescription would be deemed to be satisfied by an entry in the patient records of a patient who is undergoing treatment at a licensed health care facility if the contents of the patient records reflect certain information, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 502 (SB 320) Petris. Transportation ridesharing programs and related tax deductions

(1) Existing law authorizes the Department of Transportation to establish ridesharing programs in metropolitan areas for public and private employees with funds made available for those programs from any source

This bill would enact the Rideshare Support and Improvement Act for the purpose of planning and implementing ridesharing programs The act would be repealed on July 1, 1988 The Ridesharing and Alternative Transportation Fund would be created by the bill, with the money in the fund continuously appropriated to the Secretary of the Business, Transportation, and Housing Agency The secretary would allocate the funds to the department and each transportation planning agency, each county transportation commission, and the San Diego Metropolitan Transit Development Board for the purposes of planning and implementing ridesharing programs

(2) This bill would require the Legislative Analyst to commence an investigation of ridesharing programs not later than October 1, 1985, and to submit findings of its investigations to the Legislature not later than January 1, 1986.

(3) Existing Personal Income Tax Law provides for deductions for various specified taxes and assessments which are paid or accrued by a taxpayer during the taxable year, including state and local taxes on the sale of gasoline, diesel fuel, and other motor fuels

This bill would limit the allowable deduction for state and local taxes on these fuels, not to exceed a specified amount, for those taxpayers residing in urban areas which do not meet national ambient air quality standards for carbon monoxide or ozone pursuant to specified provisions of federal law

This bill would require the Franchise Tax Board to establish a schedule of deductions, as specified.

This bill would also provide a ridesharing tax deduction, not to exceed a specified amount, for any taxpayer for the cost of monthly transit passes purchased for use principally in this state or for the cost of participation, principally in this state, in a private, third-party, or employer-sponsored vanpool, buspool, or subscription taxipool, as defined

The bill's tax deduction provisions would be applicable in the computation of taxes for taxable years beginning on or after January 1, 1982, and ending on or before December 31, 1987, as specified

(4) This bill would transfer, for the 1982–83 fiscal year, $6,000,000 from the General Fund to the Ridesharing and Alternative Transportation Fund, established by the Ridesharing Support and Improvement Act, in anticipation of increased revenues resulting from the provisions of this bill. On July 1, 1983, the Controller would be required to transfer $6,000,000 from the General Fund to the Ridesharing and Alternative Transportation Fund in anticipation of increased revenues resulting from this bill On July 1, 1984, and on every July 1 thereafter, through July 1, 1987, the Controller would be required to make similar transfers not exceeding $6,000,000 in any fiscal year.

(5) This bill would also require the Franchise Tax Board on May 1, 1984, and on every May 1 thereafter, through May 1, 1988, to provide the State Treasurer with an estimate of the revenue implications of the tax deduction provisions of the bill upon the General Fund

(6) This bill would require the Franchise Tax Board and the Energy Conservation and Development Commission to make specified reports to the Legislature on or before October 1, 1984

Ch. 503 (AB 3582) Lancaster Industrial loan companies.

Existing law prescribes the maximum charges which an industrial loan company may contract for and receive on any loan or forbearance of money, credit, goods, or things in action

This bill would authorize industrial loan companies to contract for and receive, in addition, an acquisition fee with respect to a loan of a principal amount not exceeding $2,500 at a rate not in excess of 5% of the principal amount or $50, whichever is less. The bill would also provide that only one acquisition fee may be contracted for or received until the loan is repaid in full. These provisions would remain in effect only until January 1, 1985, and as of that date would be repealed

Ch 504 (AB 2481) Young. Loans.

Existing law provides that a savings and loan association may make loans on the security of unimproved real property in a maximum amount of (1) 70% of the appraised value of the property for an initial or extended term which either singly or in the aggregate may not exceed 2 years, (2) 75% of the appraised value for a term not to exceed 3 years if the real property is a building lot or site for the construction of a single-family dwelling or a mobilehome park development, or (3) 75% of the appraised value for a term not to exceed 5 years if the real property is a building lot or site ready for construction of a single-family dwelling which the borrower certifies is to be his or her permanent home.

This bill would extend the maximum term permitted for each type of loan to 10 years

Ch 505 (AB 523) Frazee State Coastal Conservancy land acquisition and transfer

(1) The existing law provides for the State Coastal Conservancy with prescribed powers and responsibilities for, among other things, implementing programs of preservation of agricultural land, coastal restoration projects, resource enhancement within the coastal zone, as defined, reservation of significant coastal resource areas, and acquisition of public accessways

This bill would specifically permit the conservancy to undertake designated projects in the City of San Juan Capistrano pursuant to designated provisions

(2) The existing law authorizes the conservancy, under prescribed conditions, to award grants to local public agencies and state agencies for the purpose of resource

enhancement of designated coastal resources.

This bill would permit the conservancy to undertake a project or award a grant to enhance a watershed resource, other than an anadromous fish stream or watershed riparian corridor, that is partly outside of the coastal zone. The bill would prohibit the conservancy or any other state agency from undertaking a project affecting an area outside the coastal zone under the law providing for coastal resource enhancement projects, except at the request of the local public agency or agencies having jurisdiction over the entire coastal project area. These provisions would not apply to any portion of the Santa Monica Mountains Zone

(3) Existing law requires the conservancy to submit plans for coastal restoration projects and coastal resource enhancement projects to the California Coastal Commission

The bill would require, after certification of a local coastal program, the city or county or city and county with jurisdiction over the certified area, rather than the commission, to review coastal restoration plans and coastal resource enhancement plans under certain conditions. The local public agency would be required to review the plans for consistency with the certified local coastal progam within 60 days of receipt from the conservancy. The commission would be required to continue to review the plans in 3 specified cases

(4) Existing law provides for conveyance of land for designated purposes from the conservancy to any state or local public agency or a nonprofit organization.

This bill would include any federal agency within these provisions, and make other conforming changes in the law It would make the conservancy the designated agency in the state for planning and coordinating federal surplus land sales in the coastal zone.

(5) Under existing law, public agencies are authorized to acquire lands designated as significant coastal resource areas held by the conservancy for public purposes indicated in prescribed programs or plans which are consistent with the California Coastal Act of 1976.

This bill would include federal and state agencies within these provisions authorizing them to acquire those lands and provide that, in the case of San Francisco Bay, the sites which could be acquired are those identified in the San Francisco Bay Plan, the Suisun Marsh Protection Plan, or any other local plan which the San Francisco Bay Conservation and Development Commission determines to be consistent with those plans, as well as any other area of importance to coastal resources, including unfilled historic tidal wetlands identified by the state.

(6) The bill would also provide that local governments would be reimbursed pursuant to designated provisions of the California Coastal Act of 1976 for costs that may be incurred by them in carrying out any program or performing any service required by specified provisions of the bill, thereby making an appropriation †

(7) The bill would take effect immediately as an urgency statute.

Ch 506 (AB 2130) Felando Developmental disabilities fair hearing

(1) Under existing law, every public or private agency receiving state funds to provide services for persons with developmental disabilities is required to have an agency fair hearing procedure for conflicts between the agency and consumers or potential consumers of service The fair hearing procedure entails an informal meeting, a fair hearing by the service agency director, an appeal to an appeals board, an appeals board hearing which may be reviewed and a hearing held by the director of the responsible state agency

This bill would repeal and reenact a different appeals procedure which would require adequate notice of specified actions by the service agency and the continuation of current services to a recipient under certain circumstances The bill would provide for an impartial appeals board and an appeal to the responsible state agency, or a direct hearing by the responsible state agency if the claimant waives the appeals board hearing The bill would also require the State Department of Developmental Services to promulgate fair hearing regulations for regional centers.

(2) Under existing law, all information and records obtained in the provision of services to developmentally disabled persons by regional centers are confidential, to be revealed only under specified circumstances

This bill would authorize the release of such confidential information to applicants and

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† Appropriation language deleted by action of the Governor.

recipients of services and their authorized representatives, except for information given to specified professionals in confidence by members of a minor recipient's family

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 507 (AB 1843) Greene Building standards

(1) Under existing law, state building standards are not effective until approved by the Commission of Housing and Community Development, and all building standards and regulations are required to be written and, whenever practicable, administered and enforced on a performance basis consistent with state and nationally recognized building construction standards

This bill would

(a) Provide that until approval of a standard, it shall be a proposed building standard

(b) Provide that all building standards shall be administered and enforced and, whenever practicable, written on the prescribed performance basis

The bill would also provide that certain specified building standards for residential buildings in the California Administrative Code would not apply to the construction of new residential housing projects which received approval by an advisory agency or other appropriate local agency on or before June 15, 1982, as prescribed.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(4) The bill would take effect immediately as an urgency statute

Ch 508 (AB 3211) Cortese Local agency investments

(1) Existing law specifies the investments that may be made by a local agency with surplus funds and funds belonging to or in the custody of the local agency, and allows direct investment in commercial paper by local agencies with a population of 100,000 or more, and in certificates of deposit by local agencies with a population of 50,000 or more

This bill would authorize local agencies of any size, rather than only those of specified population, to invest funds in commercial paper and certificates of deposit, and would increase the proportion of an agency's surplus funds which could be invested in certificates of deposit

(2) Existing law specifies the permissible investments of a city retirement system

This bill would permit the city retirement board, if there is one, or the city treasurer with the approval of the city council, to enter into specified security loan agreements with private broker-dealers and banks

Ch 509 (AB 3014) L Stirling Charitable solicitations

Existing law imposes disclosure requirements on solicitations for charitable purposes, including the amount, stated as a percentage of the total gift or purchase price, that will be used for direct fundraising expenses, or in some cases the total cost of fundraising expenses It provides that if a volunteer is 10 years of age or younger, he or she is not required to make specified disclosures

This bill would exempt from disclosure provisions those volunteers who are age 18 years of age or younger, as specified The bill would also provide that such provisions relating to charitable solicitations are not intended to preempt a city or county ordinance which provides for disclosure of information relating to solicitations or sales solicitations for charitable purposes, as specified.

Ch. 510 (AB 3547) Levine. Contempt of court.

Existing law provides for punishment for contempt of court.

This bill would provide that if an order of contempt is made affecting a public safety employee, as defined, acting within the scope of employment for reason of the employee's failure to comply with a subpoena or subpoena duces tecum, the execution of any sentence shall be stayed pending the filing within 3 judicial days of a petition for extraordinary relief testing the lawfulness of the order

Ch 511 (AB 3514) Campbell LAFCO. revision of determinations.

Under existing law, a local agency formation commission, upon completion of its review of a proposal for the formation, reorganization, or dissolution of a local agency, is required to act upon the proposal by the adoption of a resolution making determinations Prior to completion of the proceedings, but no more than 60 days after adoption of the resolution making determinations, a legislative body, landowner, voter, or other interested person may file application with the commission requesting additions, deletions, amendments, or revision of the resolution making determinations. The commission may either deny or approve the application, or provide for notice and a hearing thereon The commission's determinations on the application are final, and no further application requesting the same or substantially the same addition, deletion, amendment, or revision of the commission's resolution making determinations may be made.

The law does not expressly authorize an applicant requesting additions, deletions, amendment, or revision of a commission's resolution making determinations to withdraw the application before commission action thereon

This bill would expressly authorize an application to be withdrawn at any time prior to its having been denied or approved

Further, the bill would shorten from 60 days to 30 days, the period following adoption of the resolution making determinations, within which the application requesting additions, deletions, amendment, or revision of the resolution must be filed.

Cn. 512 (AB 3479) Ingalls Credit

Existing law prescribes the maximum amount of finance charges which may be charged by a seller of a retail installment contract or a retail installment account, as defined

This bill would specify that a seller or holder of either a retail installment contract or a retail installment account is authorized to charge and collect a $5 fee for the return by a depository institution of a dishonored check, negotiable order of withdrawal, or share draft issued in connection with the contract or account and that this fee shall not be included in determining the applicable finance charges permitted by law.

Existing law regulates the maximum charges which an industrial loan company, a personal property broker, and a consumer finance lender may charge, contract for, or receive for services rendered in connection with a loan or forbearance or any other service rendered

This bill would authorize industrial loan companies, personal property brokers, and consumer finance lenders to charge on any loan which is subject to these limitations, a $5 fee for the return of a dishonored check, negotiable order of withdrawal, or share draft by a depository institution The bill would also provide that such a fee would not be included in the computation of the applicable maximum charges which may be imposed by an industrial loan company, a personal property broker, or a consumer finance lender

This bill would incorporate additional changes in Section 1810 4 of the Civil Code, proposed by SB 1366, to be operative only if SB 1366 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch 513 (AB 3399) Harris. Public contracts: electronic data processing.

The Government Code presently contains provisions regulating the purchase of electronic data-processing goods and services by the state

This bill would transfer those provisions to the Public Contract Code.

Ch 514 (AB 3509) Goggin Trial preferences.

Existing law provides that, in specified instances, the trial of one civil action is entitled to precedence or preference over other civil actions

This bill would include civil actions for damages for personal injury caused by the defendant during the commission of a felony for which the defendant has been convicted among the actions entitled to priority A court would be required to endeavor to try the action within 120 days of the grant of preference

Ch 515 (AB 2891) Lockyer Probation revocation

Under existing law, after revocation of probation when the sentence has been suspended, the court may pronounce judgment for any time within the longest period for which the person might have been sentenced

This bill would provide that the court shall specify whether or not the negotiated sentence maximum of a specified plea is to apply upon revocation of probation following a suspended sentence If the negotiated maximum is not to apply in such an event, the court would inform the defendant that in that event the court could impose the longest sentence prescribed for the offense

Ch. 516 (AB 2694) La Follette. Criminal actions continuances

Existing law provides that all criminal proceedings must be set for trial, heard and determined at the earliest possible time To that end, continuances are only granted after specified procedures are followed and for good cause

This bill would require specified notice to opposing counsel of intent to seek a continuance based upon inability of a defendant or witness to appear, and would authorize imposition of a penalty by the court for a violation

Ch 517 (AB 2750) McAlister Bonds, sureties, and undertakings

Existing law contains numerous provisions regarding statutory bonds. AB 2751 would make substantial and comprehensive revisions to that law

This bill would make conforming and corresponding changes in various codes to facilitate or effect the implementation of the provisions of AB 2751.

This bill would become operative only if AB 2751 is chaptered and, in that event, would become operative on January 1, 1983, the same as AB 2751

Ch 518 (AB 2463) Frazee Subdivisions

(1) Under existing law, the Subdivision Map Act requires the content and form of the parcel map to conform with certain requirements and any additional requirements of local ordinances consistent with the act

This bill would, in addition, require the parcel map to contain a specified certificate relating to all monuments

(2) Under existing law, the expiration of the approved or conditionally approved subdivision map terminates all proceedings.

This bill would provide that once a timely filing of a final map for approval is made that conforms to the approved or conditionally approved tentative map, subsequent actions of the local agency may lawfully occur after the date of expiration of the tentative map

(3) Under existing law, the construction of a condominium project on a single project constitutes a "subdivision," as defined, for which a tentative and final subdivision map are required.

This bill would allow local agencies, by ordinance, to waive the requirements of a tentative and final subdivision map for the construction of a condominium project on a single parcel.

(4) Existing law prohibits the approval of a tentative subdivision map or parcel map which does not conform to locally adopted general plans and specific plans Existing law also specifies the contents of specific plans which are necessary or convenient for the implementation of each element of a general plan

This bill would specifically provide that the specific plans include all detailed regulations, conditions, programs, and proposed legislation as required by existing law

Ch 519 (AB 2236) Imbrecht. Lake Tahoe land purchase study.

Chapter 833 of the Statutes of 1980 provided for creation of the Tahoe Area Land Acquisition Commission to study all aspects of a state land purchase program for the Lake Tahoe region and required the commission to report to the Legislature by March 1, 1981, with respect to certain questions and by June 30, 1981, with respect to other specified questions

This bill would make the implementation and funding of those provisions contingent upon enactment of S B 12 and the approval by the voters of the issuance of bonds provided for in S B 12 at an election to be held in 1982, and would extend the reporting dates of the study to March 1, 1983, and June 30, 1983, respectively

The bill would take effect immediately as an urgency statute.

Ch 520 (AB 3651) Harris. Estate administration· leasing.

Existing law requires that general pecuniary legacies, if not paid prior to the first anniversary of a testator's death, bear interest at the rate of 4% per year.

This bill would increase the rate of interest to the same rate of interest as for a judgment (7%). The increase would not apply to estates of decedents dying before January 1, 1983.

Existing law grants to the surviving spouse, minor children, and adult children who are physically or mentally incapacitated from earning a living and were actually dependent upon the decedent for support a right to an allowance, as necessary for their maintenance, as specified during the progress of the settlement of the estate

This bill would grant the probate court discretion to make the same allowance to an adult child actually dependent upon the decedent, as specified

Existing law provides that a petition for preliminary distribution may be filed when 2 months have elapsed after the first publication of notice to creditors.

This bill instead would provide that a petition for preliminary distribution may be filed when 2 months have elapsed after the first issuance of letters issued to the personal representative of the decedent's estate

Under existing law, the personal representative is required, within specified times, to either petition for a final distribution or file a verified report of status of administration. Notice of the hearing of the report is given by the court clerk by posting the notice at the courthouse

This bill would require the notice to be given by the personal representative and would require notice to be given to all legatees and devisees, or heirs, and to all persons who have requested special notice as specified or who have given notice of an appearance

This bill would make other technical and conforming changes.

Existing law authorizes a court to approve both the executor's or administrator's leasing of real property by an estate and the executor's or administrator's granting of an option to purchase real property, but there are no provisions regarding the leasing of property with an option to purchase

This bill would include a lease with an option to purchase within the meaning of the term "lease" and would require that the provisions for court approval concerning both leasing and the granting of options to purchase be followed by the executor or administrator

Existing law provides proof or acknowledgment of an instrument may be made outside of the United States before a notary, provided proof or acknowledgment of the notary's signature is made before certain diplomatic personnel of the United States or by a judge of a foreign court of record

This law would remove reference to the means of proof or acknowledgment of the notary's signature by diplomatic personnel, and substitute reference to the means provided for in the Convention Abolishing the Requirement of Legislation for Foreign Public Documents.

Ch 521 (AB 3586) Lewis Deeds of trust trustees substitution

Existing law provides that the trustee under a trust deed may be substituted by recording a substitution of trustee, notice of which must be provided to certain individuals, as specified The substitution of trustee is required to contain the date of execution of the trust deed, the name of the trustor, the book and page where the trust deed is recorded, the name of the new trustee, an affidavit as specified, and an acknowledgment by the trustee of receipt of a copy of the substitution or an affidavit of personal service

or of publication of the substitution

This bill would require the substitution to contain the date of recordation rather than the date of execution of the deed of trust. It would generally eliminate requirements that the substitution contain affidavits or acknowledgments and that notice of the substitution be given, except if the substitution is effected after a notice of default is recorded but prior to the giving of the notice of sale, as specified

This bill would authorize a substitution to be accomplished for multiple deeds of trust by recording a single document, as specified

Ch 522 (SB 1330) Presley. Marriage license fees

Existing law provides for a basic $10 fee to be paid for issuing a marriage license and for portions of this fee to be deposited with officials, departments, and funds as specified by law Existing law also provides a $10 fee to be paid for the filing of certificates of marriage to those persons who get married without a license It also authorizes the collection of an additional $8 fee at the time of the issuance of a marriage license or an authorization for a marriage without a license, for funding of domestic violence centers, as specified

This bill would increase the fee to be collected for the support of domestic violence centers to $13.

It would also make additional changes in Section 26840 8 of the Government Code contingent upon the enactment and prior chaptering of SB 1301

Ch 523 (AB 2710) Johnston. State civil service employees. reparations.

Senate Concurrent Resolution 15 (Res Ch. 49, Stats. 1941–42, 1st Ex Sess.) proclaimed the importance of the loyalty of employees of the state; noted that many state employees possessed dual citizenship and that many civil service lists contained the names of children of parents having dual citizenship, and requested the State Personnel Board to dismiss from state civil service, or to deny eligibility to, or certification for, civil service positions to, persons based upon their disloyalty

This bill would declare the findings of the Legislature that the dismissal of various state employees during the wartime years was based on fear and suspicion rather than on factual justification, that various dismissals resulted directly from the enactment of SCR 15, and that equity and fairness would be served by authorizing the filing of claims for salary losses suffered by persons who were dismissed from state service due to the enactment of SCR 15

This bill would authorize the filing of a claim for reparation of salary losses suffered during the years 1942 to 1947. The claim would be filed with the Department of Personnel Administration, which would determine the eligibility of a claimant It would provide that an eligible claimant shall receive $1,250 each year for up to 4 years It also would require the Controller to issue warrants in the appropriate amounts

This bill would provide that no person other than a person who suffered a loss of salary as a result of state action pursuant to SCR 15 shall be eligible to file a claim for reparation. It would also declare the intent of the Legislature that the 1983 Budget Act shall appropriate funds for the payment of claims pursuant to this bill

Ch 524 (AB 2737) Lehman Energy alternative sources

The California Alternative Energy Source Financing Authority Act provides for financing projects utilizing alternative sources of energy. It defines "alternative sources" for the purposes of the act to include, among others, the use of hydroelectricity under 25 megawatts

This bill would revise the definition of "alternative sources" to include, instead, the use of hydroelectricity under 30 megawatts

Ch 525 (AB 2417) Greene. School property deferred maintenance

Under existing law, the State School Deferred Maintenance Fund provides moneys to school districts to maintain schools Procedures are prescribed for apportionment by the State Allocation Board from the State School Deferred Maintenance Fund to district deferred maintenance funds. The apportionments are conditioned upon the district's having budgeted for deferred maintenance an amount equal to or greater than the amount expended for similar purposes in specified base years

This bill would exclude certain proceeds from the sale of district property from the computation of the amount expended in the base years

Ch 526 (AB 2326) Ryan Income taxation joint liability

Existing provisions of the Personal Income Tax Law provide that both spouses are jointly and severally liable for taxes on their aggregate income whenever a joint return is filed, subject to a limited exception in connection with revising tax liability in a proceeding for dissolution of the marriage of the taxpayers

This bill would provide that the Franchise Tax Board may revise the joint and several tax liability of joint return taxpayers if certain factors exist

This bill would take effect immediately as a tax levy

Ch 527 (AB 2366) Frazee Aeronautics account City of Oceanside.

Existing law provides for allocations of moneys from the Aeronautics Account in the State Transportation Fund to public entities for airport purposes.

This bill would validate specified allocations from the account totaling $13,836 made by the Division of Aeronautics of the Department of Transportation to the City of Oceanside

Ch 528 (AB 2442) Greene California Exposition and State Fair· board of directors. powers

(1) Under existing law, the Board of Directors of the California Exposition and State Fair has full responsibility for the year-round management and operation of all facilities of the California Exposition and State Fair, specifically including the authority to do various acts

This bill would authorize the board, with the approval of the Department of General Services, to lease any of its property for any purpose for any period of time and to use or manage any of its property jointly or in connection with any lessee or sublessee for any purpose approved by the board

(2) The bill would include changes in Section 3332 of the Food and Agricultural Code made by AB 2405 if both this bill and AB 2405 are chaptered and this bill is chaptered last

(3) The bill would take effect immediately as an urgency statute

Ch 529 (AB 2454) Thurman Agriculture surveys and investigations.

(1) Existing law requires the Director of Food and Agriculture and county agriculture commissioners to consult regarding various surveys or investigations of specified locations within the state liable to be infested or infected with any pest or disease, as defined, when the provisions of the Food and Agricultural Code provide joint responsibilities in connection with the pest or disease

This bill would also require the director and a commissioner to consult in the conduct or implementation of any control or eradication activity when the code provides joint responsibilities in connection with a pest or disease

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 530 (AB 2461) Felando Gasoline service stations disabled persons

Existing law requires every operator of a gasoline service station or other facility which offers motor vehicle fuel for sale to the public, except as specified, to provide, upon request, refueling services to a severely disabled driver of a vehicle with a special license plate or placard, as specified, at a price no greater than that charged to the public generally A violation of these provisions is a misdemeanor which may be enjoined.

This bill would repeal these provisions and enact other provisions to require every operator of a gasoline service station or other facility which offers motor vehicle fuel for sale to the public to provide, upon request, refueling service, as defined, to a disabled driver of a vehicle which displays a disabled person's plate or placard, or disabled

veteran's plate or placard issued by the Department of Motor Vehicles, at a price no greater than that which the facility would charge the public to purchase motor vehicle fuel without any refueling service. Any person who, as a responsible managing individual setting service policy of a station or facility or as an employee acting independently against set service policy, acts in violation of these provisions would be guilty of an infraction punishable by a fine of $25. The provisions would not apply to either self-service gas stations, or convenience stores which sell gasoline, which (1) have remotely controlled gas pumps, (2) are operated by a single cashier, and (3) never provide pump island service.

This bill would further provide that these provisions shall be enforced by the Director of the Department of Rehabilitation, the district attorney, the city attorney, or the Attorney General, notwithstanding other provisions of law.

The bill would require the Director of the Department of Rehabilitation to investigate and refer complaints regarding violations of the provisions of the act, as specified, and would authorize the district attorney, city attorney, or Attorney General to bring a prosecution under the provisions of the act upon his or her own motion. The bill would also require the Board of Equalization and the Department of Motor Vehicles to provide notice of the provisions of the act to specified individuals and entities.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch. 531 (AB 2522) Moorhead. Veterinary medicine: use of radiographic equipment.

Existing law provides that a person who is not a licensed veterinarian shall not be allowed to operate radiographic equipment unless such person has passed an examination, as specified, and is working under the direct order of a licensed veterinarian, as specified.

This bill would repeal this provision and provide instead that an animal health technician who has been examined by the board in the area of radiation safety and techniques may operate radiographic equipment under the indirect supervision of a licensed veterinarian, and an unregistered assistant may operate radiographic equipment under the direct supervision of an animal health technician or a licensed veterinarian.

Ch. 532 (AB 2569) Thurman. Weights and measures: price per pound: door-to-door salespersons.

(1) Existing law requires the price per pound to be stated on packages of meat, fish, or poultry offered for sale by door-to-door salespersons. Existing law makes a violation of these provisions a misdemeanor.

This bill would revise those provisions to require those packages to display the price per pound of each type and cut of meat in the package, and would specify the size, configuration, and location of that information on the package. A violation of the requirements of the bill would be a misdemeanor pursuant to existing law.

(2) Existing law requires every county sealer of weights and measures to attend the annual meeting of the voluntary association of the sealers of the state at county expense.

This bill would specify that the required attendance be at the annual meeting of the California Association of Weights and Measures Officials.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 533 (AB 2739) Costa. Hazardous materials transportation

Existing law requires, on and after July 1, 1982, and until January 1, 1988, that every motor carrier, as defined, who directs the transportation of a hazardous material and certain other persons transporting hazardous material to be licensed and provides for a license fee. Existing law also authorizes the Department of the Highway Patrol to inspect vehicles, containers, and shipments subject to that law Violations of the provisions and regulations adopted pursuant thereto are misdemeanors.

This bill would exempt implements of husbandry from these provisions

Ch. 534 (AB 3189) Wright Invention development service contracts

Under existing law, an invention developer is required to cause certain disclosures to be made to each customer, as specified A violation of this requirement is a misdemeanor.

This bill would specify that the required disclosures shall be in writing and shall be given to each customer at the time of the disclosure

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 535 (AB 3281) L Stirling Vehicles occupational licenses sales.

(1) Existing law authorizes the Department of Motor Vehicles to enter into a stipulated settlement with a licensed vehicle manufacturer, distributor, transporter, or dealer against whom an accusation has been filed. The settlement may include a monetary penalty, unless the accusation alleges fraud against the public or the state. In settlements which do include a monetary penalty, no other form of penalty may be imposed for the same offense.

This bill would repeal the exception for cases involving fraud, and also repeal the prohibition against a stipulated settlement including other penalties in addition to a monetary penalty.

(2) Under existing law, it is unlawful for a dealer to allow the use of his license, supplies, or books by any other person if the dealer has no financial or equitable interest in the vehicle sold by the other person

This bill would make it unlawful for a dealer to allow any other person to use his or her license, supplies, or books whether or not the dealer has any financial or equitable interest in the vehicle to be sold

(3) Existing law requires personal service of an accusation against a licensed vehicle dealer, manufacturer, distributor, or transporter who has gone out of business

This bill would permit service by registered mail sent to the licensee's former established place of business, unless the licensee has notified the department in writing of another address where service may be made

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 536 (AB 3406) Papan Industrial loan companies.

Existing law provides that no more than 40% of an industrial loan company's outstanding loans and obligations may be in secured or unsecured loans which exceed $10,000 in principal amount, except that upon approval of the Commissioner of Corporations, such a company may increase its loan obligations, whether secured or unsecured which exceed $10,000 to a percentage in excess of 40% as specified by the commissioner, up to a maximum of 70% of the company's net outstanding loans and obligations

This bill would repeal these provisions.

The bill would also require an industrial loan company to diversify the loans and lease obligations it makes and other obligations it acquires as to both the types of debtors and

obligors and types of collateral but would permit the company to specialize in its lending, leasing and other authorized practices

Existing law provides that the outstanding lease obligations of an industrial loan company shall not exceed in the aggregate 20% of the company's outstanding loans and obligations. Existing law also permits the Commissioner of Corporations to limit the aggregate amount of lease obligations held by an industrial loan company as he or she deems reasonable or necessary for the protection of the company or the public

This bill would repeal these provisions

Existing law provides that after 12 months of operation as an industrial loan company and during the next 24 months of operation, the company may file an application with the Commissioner of Corporations seeking authority to increase the aggregate sum of its investment certificates which it may have outstanding up to the maximum sum permitted, as specified.

This bill would provide instead that an industrial loan company may file such an application after 12 months of operation and during the next 12 months of operation The bill would also prescribe limitations and requirements, in this regard, to apply after 24 months of operation and during the next 12 months of operation.

Existing law prohibits an industrial loan company from making any loan to, purchasing a contract or chose in action from, holding a lease obligation of, or purchasing a lease contract from either a holder of record or beneficiary of shares of the industrial loan company or of any holding or affiliated company, or a person in which such a holder of record or beneficiary is financially interested

This bill would specify that this prohibition does not apply with respect to persons holding less than 10% of the shares of a holding company or affiliate company which is exempt from the qualification requirements of the Corporate Securities Law, as specified

Ch 537 (AB 3435) McAlister Local agency deposits financial institutions

Under existing law, funds of a local agency which are deposited in a financial institution are required to be secured by the financial institution Withdrawal of pooled securities may only be ordered by bonded officers or employees of the financial institution, and may be released only upon presentation of a statement of the current status of deposits required to be secured, verified and countersigned by 2 bonded officers other than those who have ordered the withdrawal

This bill would allow securities to be ordered withdrawn by a bonded officer or employee, rather than by bonded officers and employees, and would allow the statement on status of deposits to be made by a bonded officer, rather than by 2 bonded officers.

Ch. 538 (AB 3437) Bane. Electronic and repair dealers

Existing law provides for the registration and regulation of persons who act as service dealers under the Electronic and Appliance Repair Dealer Registration Law A service dealer is defined as any person who repairs, services or maintains televisions, radios, audio or video recorders, or playback equipment or appliances or who installs, repairs, services or maintains television or radio receiver antennas or rotators Existing law provides that an "antenna" means a device designed to capture energy transmitted by radio or television stations operating on the VHF or UHF frequencies

This bill would include in the definition of a service dealer any person who installs, repairs, services, or maintains video cameras, video games, or computer systems, or major home appliances, as defined, which are normally used or sold for personal, family, or household use, would revise the definition of "appliance" or "major home appliance" to include any trash compactor, would revise the definition of antenna to include any device receiving energy transmitted by direct satellite or radio or television stations, without regard to frequency, and would exempt an automobile dealer who installs or replaces an automobile radio or antenna, as specified, from the operation of the Electronic and Appliance Repair Dealer Registration Law

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 539 (AB 3548) Campbell Contra Costa County Flood Control and Water Conservation District: employees civil service.

Under the Contra Costa County Flood Control and Water Conservation District Act, the Board of Directors of the Contra Costa Flood Control and Water Conservation District may appoint officers, agents, and employees as it deems necessary. The officers, agents, and employees, with specified exceptions, are required to be appointed under, and pursuant to, the civil service rules and regulations of the County of Contra Costa. The Civil Service Commission of the County of Contra Costa is ex officio the civil service commission of the district, and the county civil service department is ex officio the civil service department of the district.

This bill would delete the requirement for the officers, agents, and employees of the district to be appointed under, and pursuant to, those civil service rules. The bill would also delete the designation of the county agencies as ex officio the civil service agencies of the district.

Ch. 540 (AB 3643) Filante. County water districts· power generation.

Under existing law, county water districts are authorized to construct, maintain, and operate plants for the generation of hydroelectric power and the transmission lines for the conveyance thereof, in a manner which is compatible with the proper operation of the district's water storage, transmission, and distribution system.

This bill would authorize the North Marin County Water District to construct, maintain, and operate plants for the generation of power from wind or solar radiation and the transmission lines for the conveyance thereof.

The bill would make legislative findings and declarations in this connection.

Ch 541 (AB 3594) Wright Districts: Ventura County Flood Control District. fees and charges.

Under the Ventura County Flood Control Act, the Ventura County Flood Control District may levy fees and charges for, among other things, any zone or special zone on land to be developed. Existing law limits the amount of fees and charges levied for any zone, other than a special zone, to not exceed $1,200 for each acre or portion of land to be developed.

This bill would raise that limit to $1,600 and authorize the district to adjust that maximum annually by ordinance or resolution approved by two-thirds of the electors voting on the proposition in the zone.

The bill would also make technical changes in this provision

Ch. 542 (SB 1365) Robbins. Vehicles: headset covering: earplugs.

(1) Under existing law, no person operating any motor vehicle may wear any headset covering, or any earplugs in, both ears, excepting specified persons including law enforcement and firefighting personnel when on duty.

This bill would delete the exception for law enforcement and firefighting personnel when on duty from that prohibition and, instead, except persons operating authorized emergency vehicles, as defined, under emergency conditions.

(2) The bill would take effect immediately as an urgency statute

Ch. 543 (SB 1483) Vuich. Highways: hazardous spills.

Existing law vests authority for the management of the scene of a hazardous spill or disaster on a highway in the law enforcement agency having primary traffic investigative authority on the highway.

This bill would, notwithstanding the above provision, authorize the law enforcement agency having primary traffic investigative authority to enter into written agreements with other public agencies for the management of a hazardous spill or disaster on local streets and roads other than freeways.

Ch 544 (SB 1913) Mills. Transportation financing.

For the purposes of the Mills-Alquist-Deddeh Act, the term "operates" and "transit development board" are defined, as specified

This bill would redefine transit development board for the purposes of that act to, include, for specified purposes, a nonprofit corporation or other legal entity wholly owned or controlled by a transit development board which operates, as defined, a public transportation system.

Ch. 545 (SB 1919) Roberti. Credit cards: regulation of issuance and use.

Existing law, entitled the Song-Beverly Credit Card Act of 1971, regulates the issuance and use of credit cards and sets forth the rights and responsibilities of the card issuer and cardholder, as specified. More specifically, the act provides that (1) a cardholder is not liable for any unauthorized use of a credit card which has not become an accepted credit card and was originally issued or renewed on or after November 10, 1969, (2) a cardholder is not liable for any unauthorized use of an accepted card which is lost or stolen after the card has reached the cardholder if the cardholder notifies the card issuer as specified; (3) the liability of a cardholder who is liable for the unauthorized use of a credit card shall not exceed $50, (4) whenever fees, charges, or penalties are assessed against a cardholder for the use of a credit card, the card issuer shall separately state and label all such fees, charges, and penalties; (5) every card issuer shall correct any billing error made by the card issuer within 60 days from the date on which an inquiry concerning the billing error was mailed; and (6) the right of a card issuer to recover any credit extended through use by the cardholder of a credit card in making purchases from a retailer shall be subject to the defenses which the cardholder has as a buyer against the retailer from which the cardholder made the purchases if specified conditions are satisfied.

This bill would repeal the provisions specified in (1) to (6), inclusive, above, and would provide instead that. (1) a cardholder shall be liable for the unauthorized use of a credit card only if specified conditions are met; (2) if 10 or more credit cards are issued by 1 card issuer for use by the employees of an organization, the card issuer and organization may agree to liability for unauthorized use without regard to specified requirements of law, provided, however, that the imposition by the card issuer or the organization of liability for unauthorized use upon an employee of the organization shall be done in accordance with specified requirements of law; (3) every card issuer shall correct any billing error by the card issuer within 2 complete billing cycles, but in no event later than 90 days, after receiving an inquiry; and (4) subject to specified limitations and except as specified, a card issuer who has issued a credit card to a cardholder pursuant to an open-end consumer credit plan shall be subject to all claims and defenses, other than tort claims, arising out of any transaction in which the credit card is used as a method of payment or extension of credit if specified conditions are met.

The bill would also revise the definitions of the terms "cardholder," "unauthorized use," "inquiry," and "timely response," which terms are used in the Song-Beverly Credit Card Act, as specified

The bill would, in addition, make a statement of legislative intent with respect to the construction of the provisions of the Song-Beverly Credit Card Act.

Ch. 546 (AB 11) as amended, Lockyer (Rev & Tax) Unemployment insurance retraining benefits

Under a demonstration project authorized in existing law, until January 1, 1985, an unemployed individual is eligible to receive unemployment compensation benefits during a period of training if the individual has been unemployed for 4 or more continuous weeks or is unemployed because work opportunities in the individual's job classification are impaired by advancement in technological improvements, the effects of automation and relocation in the economy, and foreign competition, and if the training program will provide the individual with the necessary skills in a demand occupation

This bill would make an unemployed individual who is otherwise eligible for benefits under the demonstration project eligible for additional weeks of benefits if the individual has been laid off from work as a result of a plant closure or substantial reduction in employment at the individual's most recent workplace, or the individual is currently receiving unemployment compensation benefits, and the individual applies by a specified date. Benefits available under this bill would not be payable after July 1, 1983.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute

Vote. ⅔. Appropriation no. Fiscal committee. yes. State-mandated local program. yes.

Ch. 547 (AB 3450) Lancaster. Multiple listing services

Existing statutory law does not specifically regulate the activities of multiple listing services which generally provide a system for the pooling in a central registry of the real estate listings of members of the multiple listing service. Existing law does not specify, generally, the type of listings which may be used in connection with a multiple listing service. Existing case law has declared that it is a violation of state antitrust law for a multiple listing service to limit access to its services to a single type of listing, namely, an exclusive right to sell listing (People v National Association of Realtors, 120 Cal. App. 3d 459).

This bill would define 4 types of listings, namely, an exclusive right to sell listing, an exclusive agency listing, an open listing, and a probate listing; would describe a multiple listing service; and would specify the rights to compensation of agents (real estate brokers or persons licensed to sell mobilehomes and manufactured housing) under an open listing

This bill would prohibit placing any listing in a multiple listing service unless it is authorized or directed by the owner in the listing

This bill would provide that an open listing may contain an agreement by the owner to pay the listing agent compensation in any amount, at any time, and for any services, other than for selling the property or procuring or finding a buyer.

Ch 548 (AB 2405) Greene. California Exposition and State Fair: peace officers. use of property.

(1) Existing law provides that specified persons are peace officers with limited authority who may carry firearms if authorized to do so by their employing agencies. Among those persons are marshals and police appointed by the Director of Parks and Recreation with the primary duty of enforcing laws at the California Exposition and State Fair.

This bill would conform these provisions to other provisions of existing law to provide that marshals and police appointed by the Board of Directors of the California Exposition and State Fair with the primary duty of enforcing laws at the California Exposition and State Fair are peace officers with the same authority.

The bill would authorize off-duty employment of members of the California State Police Division by the California Exposition and State Fair, as specified.

The bill would also require a person appointed by the board to have obtained the basic certificate issued by the Commission on Peace Officer Standards and Training.

(2) Under existing law, fines and forfeitures from criminal violations are distributed as specified to local and state agencies.

This bill would revise that distribution by transferring to the California State Fair Police Special Account, which would be established by this bill in the General Fund, a portion of the fines and forfeitures for offenses committed on property controlled by the California Exposition and State Fair to be used by the Board of Directors of the California Exposition and State Fair when appropriated solely for law enforcement activities, training, and safety equipment for the marshals and police officers appointed by the board

(3) The Board of Directors of the California Exposition and State Fair has full reponsibility for the year-round management and operation of all of its facilities.

This bill would authorize the 52nd District Agricultural Association to use, during its annual spring fair and fall horse show, the horse show arena and other related facilities of the California Exposition and State Fair, or an alternative mutually acceptable to both

parties. In the event of a dispute between the association and the California Exposition and State Fair, the Division of Fairs and Expositions of the Department of Food and Agriculture would be required to represent the interests of the association If mediation of any matter fails to reach a consensus, the Department of General Services would be required to arbitrate all matters on the basis of the best economic interests of the state.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would include changes in Section 3332 of the Food and Agricultural Code made by AB 2442 if both this bill and AB 2442 are chaptered and this bill is chaptered last.

(6) The bill would take effect immediately as an urgency statute

Ch. 549 (AB 732) Floyd. Electric transformers.

Existing law contains various provisions concerning safety requirements relating to the construction and maintenance of electric poles and the transmission of electricity thereon.

This bill would prohibit every privately owned and publicly owned public utility and every other person, corporation, and agency from placing or maintaining on poles any transformers, capacitors, or other electrical devices containing polychlorinated biphenyls (PCBs), when the poles or devices are required to be marked in accordance with applicable regulations of the federal Environmental Protection Agency, unless the person or utility, at its option, marks the pole with a reflective band specified by the fire protection agency or furnishes the location of all poles containing any such device to the fire protection agency, upon request of the fire protection agency, subject to misdemeanor penalties for failure to comply.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 550 (AB 2284) Berman. Trials: child support.

Existing law grants preference to the trial of certain specified actions, including actions in which the sole issue is the custody of a minor child. Where there is more than 1 contested issue and 1 of the issues is the custody of a minor child, the court is required to order a separate trial on the issue of custody, which is required to be given preference.

This bill would provide that in cases in which the support of a minor child is at issue the court may order a separate trial on that issue and that the separate trial shall be given preference over other civil cases for trial dates, except as specified. It would also require that if the court has also ordered a separate trial as to custody, the two issues shall be tried together.

Ch. 551 (AB 2318) Rosenthal. County employees holidays. retirement benefits. reemployment.

(1) The County Employees Retirement Law of 1937 presently permits counties, other than Los Angeles County, to employ retired members for 90 working days each fiscal year.

This bill would delete the prohibition relating to Los Angeles County.

(2) Existing law specifies various state holidays and provides, in certain cases, that if the holiday falls on a Saturday or a Sunday, the preceding Friday or the following Monday, as the case may be, is a holiday.

This bill would authorize the board of supervisors of any county to provide by ordinance or resolution that if any of the state holidays fall on a Saturday, an alternate day

shall be a holiday for employees of the county and superior, municipal, and justice courts in the county

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

This bill would take effect immediately as an urgency statute.

Ch 552 (AB 2413) Kapiloff Commercial fishing anchovies.

(1) Existing law prohibits the taking of anchovies for any purpose in Humboldt Bay except under specific conditions. One condition is that anchovies may only be taken by the operator of a vessel for use in his or her own fishing operation, except that the operator may make incidental sales of anchovies so taken to local sport fishermen for bait

This bill would state that, until January 1, 1988, this condition shall not prevent the cooperative effort of 2 or more vessel operators or their crews working together with one net if each operator has notified the Department of Fish and Game of the bait-taking operation

(2) Existing law restricts the seasonal take of anchovy in Humboldt Bay to 5 tons

This bill would permit, until January 1, 1988, an additional amount of anchovy to be taken if the department first finds that anchovies are not available in sufficient quantities to meet the needs of commercial fishermen in the waters off of Crescent City, notifies the Board of Supervisors of Humboldt County, and determines that this additional amount may be taken without damage to the fisheries

Ch. 553 (AB 2441) N. Waters Fines and forfeitures.

(1) Existing law provides for the distribution of a percentage of all fines and forfeitures resulting from arrests by members of the police department of a community services district to be credited to the community services district by the county treasurer.

This bill would include fines and forfeitures resulting from arrests by members of the fire department of such a community services district within the percentage specified, and would provide a similar distribution with regard to fines and forfeitures resulting from arrests by officers of a fire protection district to be credited to the fire protection district by the county treasurer

(2) Existing law provides for the distribution of a percentage of all fines and forfeitures resulting from specified violations of port district ordinances to be credited to the port district.

This bill would extend those provisions to harbor districts with respect to similar violations of harbor district ordinances

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 554 (AB 2472) Vicencia. Alcoholic beverages license conversion

Existing law permitted the Director of the Department of Alcoholic Beverage Control to authorize the conversion of an on-sale general license for seasonal business issued before July 1, 1977, to an on-sale general license if an application for the conversion was submitted before January 1, 1980, as specified.

This bill would permit the director to convert on-sale general licenses for seasonal business issued before May 1, 1982, or if the application for original issuance of the license was filed before May 1, 1982. It would also prohibit the department from accepting an application for original issuance of an on-sale general license for seasonal business on or after January 1, 1983.

Ch. 555 (AB 2556) Thurman. Cal-Vet· interest rates.

Under the Veterans' Farm and Home Purchase Act of 1974, the California Veterans Board and the Veterans' Finance Committee of 1943 may adjust the effective rate of interest applicable to Cal-Vet purchase contracts as often as deemed necessary, but the Department of Veterans Affairs is required, upon request of a veteran purchaser, to adjust the period of amortization of the contract so that the amount of the purchaser's monthly installment payment remains the same.

This bill would instead permit the board and the committee to adjust the effective rate of interest annually, and would prohibit interest rate changes more often than once in a calendar year without a finding by a ⅔ vote of the board and the committee of necessity for the maintenance of the financial solvency of the Veterans' Farm and Home Building Fund of 1943 or to enable the department to meet its obligations to bondholders or purchasers. The bill would also delete the Cal-Vet purchaser's option to have the amortization period extended rather than allow the monthly payment to be increased if the interest rate is thus raised. It would instead require the department to give 90 days' advance notice to purchasers of the department's general authority to postpone or adjust any installment payment for good cause

The bill would take effect immediately as an urgency statute.

Ch. 556 (AB 2613) Hart Counties: social programs: property

Existing law authorizes counties to appropriate and expend money to establish social programs and to contract with other public or private agencies or individuals to operate such programs. Existing law also specifies procedures for counties to lease or grant the use of county property.

This bill would authorize counties to appropriate and expend funds to establish county programs or to fund other programs deemed by the board of supervisors to be necessary to meet the social needs of the population of the county, and to contract with public or private agencies or individuals to operate programs which the board of supervisors determines will serve public purposes. The bill would authorize the board of supervisors, in furtherance of any such program, to make available to a public agency, nonprofit corporation, or nonprofit association any real property of the county not needed for county purposes, on terms and conditions determined by the board of supervisors, and without complying with other provisions relating to leasing or granting the use of county property.

Ch. 557 (AB 2811) Deddeh. State Teachers' Retirement System: early retirement.

(1) Existing State Teachers' Retirement Law: (a) provides that the retirement allowance of members who retire prior to age 60 shall be reduced pursuant to a specified schedule; (b) permits, in provisions that would be repealed on July 1, 1982, unless such date is extended or deleted, school districts and other employing agencies to elect to provide for a lesser reduction in allowance for certain members who retire between ages 55 and 60 if the members have 30 years of credited service and retire on and after June 1, 1979, and before June 30, 1982, and requires the employer to pay the present value of the increased benefits to the system; and (c) permits members who are community college employees with 25 years of credited service to retire with reduced allowances as early as age 50 after July 6, 1979, and before January 1, 1983, if their employers elect to be subject to such provision

This bill would. continue the authorizations in items (b) and (c) above, without any retirement cutoff dates and, under existing law, those matters would thus be subject to employer-employee relations provisions.

(2) This bill would express legislative intent that if it is not enacted by June 30, 1982,

this act shall be construed as becoming operative on July 1, 1982.

(3) This bill would require the Legislative Analyst to make a related report to the Legislature by January 1, 1985, as specified.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1986, and July 1, 1985, respectively, the provisions contained in the bill for which state reimbursement is required.

(6) This bill would take effect immediately as an urgency statute.

Ch. 558 (AB 3426) Deddeh. Property taxation exemption.

Under existing property tax law, property owned by an organization which qualifies for the welfare exemption from property taxation and which is leased to an exempt governmental agency to conduct an activity which, if conducted by the owner, would qualify the property for the exemption, or leased to a community college, state college, or state university for educational purposes, is deemed to be within the welfare exemption for property tax purposes.

This bill would provide a procedure to claim the exemption for property leased by a church to a school district.

Under existing property tax law, property owned by a local government is exempt from property taxation.

The bill would provide that a nonprofit corporation which has contracted with the board of supervisors, as specified, for the conduct of an agricultural fair shall be deemed an agency of the county for property tax purposes, and county-owned property used or possessed by the nonprofit corporation for the conduct of an agricultural fair, as specified, would be deemed to be within the local government exemption for property tax purposes.

The bill would also provide that reimbursement shall not be made to local agencies for property tax losses incurred as a result of the bill.

Ch. 559 (AB 3596) M. Waters Courts: notice of judgment.

Under existing law, the prevailing party in a contested action or special proceeding in superior court, including dissolution proceedings, prepares and mails a copy of the notice of entry of judgment to all parties who appeared, as specified, and files with the court a proof of mailing of notice of judgment and the original notice, except that the court is authorized to order the clerk to mail notice of entry of judgment in cases where justice would be better served thereby. The time for appeal begins on the day proof of service by mail is filed, and execution on the judgment or order is stayed until that time.

This bill would exclude dissolution proceedings from this procedure, and make related, technical corrections in these provisions The bill would take effect immediately as an urgency statute.

Ch. 560 (AB 3618) Kapiloff. Civil procedure: lis pendens.

Existing law provides that at any time after notice of pendency of an action has been recorded, the notice may be withdrawn by recording in the office of the county recorder in which the notice of the pendency of the action was recorded the notice of withdrawal executed by the party who recorded the notice or the party's successor in interest and by the party against whom the notice was recorded or the party's successor in interest. The bilateral agreement of withdrawal executed by the parties must be accompanied by dismissal of any cause of action in the underlying litigation pertaining to the right, title, interest, and possession of any real property subject to the lis pendens.

This bill would provide, instead, that a notice of pendency of an action may be withdrawn by the recordation of a notice of withdrawal executed by the party who

recorded the notice of pendency of an action or by the party's successor in interest.

This bill would also delete the requirement that the bilateral agreement of withdrawal executed by the parties must be accompanied by a dismissal of any cause of action in the underlying litigation pertaining to the right, title, interest, and possession in the real property subject to the lis pendens.

The bill would also provide upon the withdrawal of a notice of pendency of an action or upon recordation of a certified copy of an order expunging a notice of pendency of an action, no person, except as specified, who thereafter becomes, by conveyance recorded prior to the recording of a certified copy of the judgment or decree issued therein, a purchaser, transferee, mortgagee, or other encumbrancer for a valuable consideration of any interest in the real property subject to the action shall be deemed to have actual knowledge of the action or any matter therein, regardless of the actual knowledge of such person.

Ch. 561 (AB 3723) Bates. Leasing of personal property

Existing law provides that one who leases personal property has the responsibility to deliver it to the lessee, put it into condition fit for the purpose for which the property was leased, repair all deteriorations not the fault of the lessee or the natural result of the property's use, and secure the lessee's right to possession against other claimants, as specified

This bill would permit a lessor and lessee in lease agreements for a term of more than 20 days to agree on an alternative arrangement regarding these duties.

Existing law also provides that the lessee must bear all foreseeable expenses concerning the property, but the lessor must bear all other expenses.

This bill would permit a lessor and lessee of personal property to agree on an alternative arrangement regarding expenses.

This bill would make certain technical, nonsubstantive changes

This bill would also declare that certain of its provisions do not constitute a change in, but are declaratory of, the existing law.

Ch 562 (AB 2762) Kelley. Alcoholic beverages

Existing law does not provide for the issuance of a winegrape growers' storage license by the Department of Alcoholic Beverage Control.

This bill would provide that a winegrape growers' storage license authorizes the holder to store bulk wine, made from grapes produced by the holder, on the premises of a licensed winegrower and to sell that wine to winegrowers, distilled spirits manufacturers, and vinegar producers, within this state The bill would provide for a fee for a winegrape growers' storage license of $56 per year

The bill would provide that the provision is to be operative only until January 1, 1986.

Existing law provides that all moneys collected as fees pursuant to provisions regulating alcoholic beverage licensees are to be deposited in the Alcoholic Beverage Control Fund, which is continuously appropriated, as specified

The fees provided by this act would result in an increase in the Alcoholic Beverage Control Fund

Ch. 563 (AB 2790) Tucker. California National Guard. fines and penalties absence without leave

Under existing law, fines and penalties imposed on members of the California National Guard convicted by court-martial or imposed through disciplinary punishment may be referred to the sheriff or constable of the county for collection and are deposited in the General Fund.

This bill would, in addition, permit referral to the marshal for collection

The bill would also create the AWOL Abatement Program Fund and direct that all court-martial fines and penalties and all fines resulting from the imposition of disciplinary punishment be paid into the fund, which moneys would be appropriated to the Military Department for the 1983–84 fiscal year for purposes of programs to reduce absence without leave by members of the National Guard. The bill would delete these provisions on July 1, 1984.

Ch. 564 (AB 3034) Sher. Securities.

Under existing law, the Corporate Securities Law generally requires that any security sold or offered for sale in this state must have been qualified, but exempts various securities from qualification requirements. Existing law exempts from qualification requirements a promissory note secured by a lien on real property which is not one of a series of notes secured by interests in the same property.

This bill would instead exempt a promissory note secured by a lien on real property which is neither one of a series of notes of equal priority secured by interests in the same property, nor a note in which beneficial interests are sold to more than one person.

Under existing law, transactions between a person on whose behalf an offering is made and an underwriter, or between underwriters, is exempt from certain qualification requirements if the sale of securities is qualified prior to distribution in this state.

This bill would provide that the exemption applies if the sale of securities is qualified prior to, or at the time of, distribution in this state

Existing law provides that a security for which a registration statement has been filed under the federal Securities Act of 1933 may be qualified by coordination.

This bill would provide that a unit investment trust previously qualified by coordination, or which is substantially the same as a unit investment trust previously qualified by coordination, may be qualified by providing certain information and documents, as specified.

Existing law requires every applicant for qualification of securities, other than a California corporation or licensed broker-dealer, to appoint the Commissioner of Corporations as attorney for service of process

This bill would also impose that requirement on persons filing an application or request for or notice of exemption from qualification

Existing law imposes various fees for filing notices with the Commissioner of Corporations.

This bill would impose a fee of $25 for filing a notice of transactions relating to offerings of securities which are made to not more than 35 persons and which meet other specified criteria.

The bill would take effect immediately as an urgency statute

Ch 565 (AB 3107) M. Waters. Small businesses.

Existing law through the Small Business Procurement and Contract Act generally provides for increased participation in small businesses in state procurement and contract awards by giving special consideration, preferences, and assistance to small businesses. Existing law also defines "small business" and provides that the Department of General Services may make all rules and regulations consistent with the law for the purpose of carrying into effect the provisions of the act.

This bill, in addition, would specify that the Department of General Services shall have sole responsibility for certifying and determining the eligibility of small businesses under the act.

Ch. 566 (AB 3110) Wray Federal block grants· local control.

Existing law provides for various federal block grants used for health and human services programs, as well as other programs for economic development.

This bill would provide that it is the policy of this state to provide mechanisms for allocating federal employment and training block grant funds which maximize local control and coordination among local public and private agencies, as well as local business, labor and educational representatives.

Ch 567 (AB 3124) Johnston Vocational education: regional occupational centers and programs

Existing law authorizes the county superintendent of schools of each county, with the consent of the State Board of Education, to establish and maintain, at least 1 regional occupational center, or regional occupational program, in the county to provide education and training in vocational courses, as specified.

This bill would require the State Department of Education to submit to the Legislature, on or before March 1 of each year, a report on the costs of a representative sample of individual programs offered at regional occupational centers and programs and on the relationship of these costs to the average daily attendance revenue limits in regional occupational centers and programs examined by the study.

Ch 568 (AB 3127) Floyd. Vehicles pilot cars signs.

(1) Existing law requires various vehicles, as specified, to display certain information on the sides of the vehicles

This bill would require a pilot car, which the bill would define, to display, on the right and left sides of the car, a sign indicating the name of the company or the owner or driver of the pilot car The bill would also prescribe the size of the letters on the sign and would require that the letters be in contrast to the color of the background of the sign

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 569 (AB 3214) Sher Vehicles: divided highways.

(1) Under existing law, it is unlawful to drive any vehicle upon any highway which has been divided into 2 or more roadways by means of intermittent barriers or by means of a dividing section, as specified, except to the right of the barrier or dividing section. A person who violates this provision on a freeway is guilty of a misdemeanor.

This bill instead would make it unlawful, on such a highway, to drive any vehicle except to the right of the barrier or dividing section which separates two or more opposing lanes of traffic. A violation of this provision on a freeway would be a misdemeanor.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 570 (AB 3339) Moore State employees. temporary transfers.

Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of state employees within or between state agencies for the purpose of training

This bill would authorize the board to prescribe rules governing the temporary assignment or loan of state employees for the additional purposes of enabling an agency to obtain expertise to meet a compelling program or management need and facilitating the return of injured employees to work Temporary assignments or loans of state employees for any of these purposes could be used to meet minimum requirements for promotional or open examinations Out-of-class experience obtained in any other manner could be used to meet minimum requirements for promotional or open examinations under specified conditions

Ch 571 (AB 3372) Frizzelle. Department of Motor Vehicles: occupational licenses.

(1) Existing law requires driving school owners and independent licensed driving instructors to file with the Department of Motor Vehicles a certificate, issued by an insurance carrier, as evidence of liability insurance coverage. The certificate must stipulate that the insurance shall not be canceled except upon 10 days' prior written notice to the department

This bill would require instead that the certificate stipulate that the insurance shall not be canceled except upon 30 days' prior written notice to the department.

(2) Under existing law, special plates and occupational licenses are issued by the department to various occupational groups licensed by the department. These plates and licenses expire annually on December 31.

This bill would provide that the plates and licenses are valid for a period of one year from the date of issuance, and would authorize the Director of Motor Vehicles to take specified action in order to accomplish the change

(3) Under existing law, every vehicle dealer is required to notify the department immediately by mail of the employment or termination of a vehicle salesman.

This bill would delete that requirement.

Ch. 572 (AB 3386) Elder Community college districts· employees

(1) Under existing law, any community college district may adopt a merit system relating to its classified employees. Any district adopting the merit system is required to appoint a 3-member personnel commission to ensure the efficiency of the service and the selection and retention of employees on the basis of merit and fitness.

Existing law specifies that the commission shall classify all employees and positions within the jurisdiction of the governing board or of the commission, except those specified as being exempt from the classified service

This bill would specify that "to classify" includes, but is not limited to, allocating positions to appropriate classes, arranging classes into occupational hierarchies, determining reasonable relationships within occupational hierarchies, and preparing written class specifications

(2) Existing law requires that the commission prescribe and amend rules necessary to effectuate the purposes of existing law, and provides that the rules shall be binding upon the governing board.

This bill would also require that the commission interpret the prescribed rules adopted for these purposes

This bill would prohibit the prescribed rules from applying to bargaining unit members if the subject matter is within the scope of representation, as defined, and is included in a negotiated agreement.

(3) Existing law requires that the commission appoint a personnel director and appoint all other employees paid from funds budgeted for the support of the commission and specifies that these employees are to be classified as employees of the district and are to be accorded all the rights, benefits, and burdens of any other classified employees serving in the regular service of the district

This bill would require the commission to supervise the activities of employees that are performed as part of the functions of the commission.

This bill would include in the rights, benefits and burdens accorded commission employees representation by the appropriate exclusive representative, if any.

(4) Existing law requires that all vacancies in the classified service be filled pursuant to the provisions of current law and the rule of the personnel commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations or appointments, as specified. Existing law requires that appointments shall be made from the first 3 applicants on the eligibility list who are ready and willing to accept the position, and that in examinations for classes designated as technical, professional, administrative, or executive, final scores of candidates are to be rounded to the nearest whole percent for all eligibles.

This bill would delete from existing law the requirements that appointments be made from the first 3 applicants on the eligibility list, and would provide that final scores be rounded to the nearest whole percent in examinations for all classes. This bill would specify that nothing contained in this section shall authorize the selection of eligible candidates in circumvention of the affirmative action programs of any school district.

(5) Existing law requires that eligibility lists shall be established for a period of not less than 1 year, except as otherwise provided, and that open competitive eligibility lists may be established for a 6-month period under specified circumstances

This bill would delete from existing law the requirement that the specified 6-month eligibility list be designated open competitive.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate of Section 2231 or 2234 because no new duties are required by this law.

(7) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 573 (AB 3457) Levine Vehicles: seat restraints.

Existing law requires the Secretary of the Business and Transportation Agency to develop and implement a program, as specified, designed to encourage seat restraint utilization for infants and children under 15 years of age who are passengers in motor vehicles. The provisions of law imposing this requirement are repealed on January 1, 1983, unless a later enacted statute deletes or extends that date.

This bill would extend that date until January 1, 1984.

Ch. 574 (AB 3483) Katz. Copyright.

Existing state law relating to copyright has not been amended to reflect the enactment of the Federal Copyright Act of 1976, which became operative on January 1, 1978. The federal law contains a specific provision preempting any state law which grants or confers a legal or equitable right that is equivalent to any of the exclusive rights within the general scope of copyright in works of authorship that are fixed in a tangible medium of expression and come within the subject matter of copyright, whether created before or after January 1, 1978, and whether published or unpublished Prior to January 1, 1978, state law regulated the copyright of unpublished works of authorship.

This bill would repeal existing provisions of state law (relating to the filing and recordation of original works of authorship, the performance of unpublished or undedicated operas without consent, the unauthorized distribution of works copyrighted under federal law or the common law or state copyright in unpublished works, joint ownership in unpublished works, the transfer of ownership in unpublished works, and the termination of common law copyright) which have become obsolete in view of the preemption thereof by the Federal Copyright Act of 1976.

This bill would provide state copyright protection for works of authorship not protectable under federal law, including works of authorship that are not fixed in any tangible medium of expression, and sound recordings fixed prior to February 15, 1972, until February 15, 2047. (Some recordings fixed in a tangible medium of expression before February 15, 1972, are not affected by the preemptive provisions of federal law until February 15, 2047) This bill also would grant exclusive ownership to the authors of such works of authorship and would provide for the joint ownership and transfer thereof.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 575 (AB 3500) W. Brown. Alcoholic beverages.

Existing law, pursuant to the Alcoholic Beverage Control Act, prohibits a manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler from holding the ownership, directly or indirectly, of any interest in any onsale or offsale general alcoholic beverage license and prohibits an onsale or offsale general licensee from having any ownership or interest, directly or indirectly, in any manufacturer's, manufacturer's agents, rectifier's, importer's or wholesaler's license or business.

This bill would authorize the issuance of any retail onsale or offsale license to any person with respect to the operation of a hotel or motel, as defined, notwithstanding that a manufacturer, winegrower, manufacturer's agent, California winegrower's agent, rectifier, distiller, bottler, importer, or wholesaler holds the ownership of any interest in the premises or in the retail licensee, provided specified conditions are met.

The bill would include a statement of legislative findings.

Ch. 576 (AB 3518) Bergeson Vehicles: issuance of special plates: law enforcement vehicles.

Under existing law, the Department of Motor Vehicles may issue regular series license plates for law enforcement vehicles, as specified, upon the certification of the Attorney General that various conditions are met. The department is also authorized to enter into agreements with motor vehicle departments in other states to provide for a reciprocal exchange of regular series license plates for law enforcement vehicles, subject to the approval of the Attorney General.

This bill would delete reference to the Attorney General in the above provisions, and

would require that the certification be done by the department.

Ch 577 (AB 3583) Lancaster. County Employees Retirement Law of 1937· investments.

The County Employees Retirement Law of 1937 prescribes permissible investments of county retirement systems

This bill would include within the permissible investments, insurance contracts with life insurers admitted to do business in California, as defined.

Ch 578 (AB 3607) Moorhead. Domestic violence: restitution.

Existing law provides that upon notice and a hearing, the court may issue an order that restitution shall be paid by the defendant in a proceeding to obtain a restraining order under the Domestic Violence Prevention Act to family or household members for losses or expenses incurred as a direct result of abuse or actual physical injury sustained therefrom.

This bill would authorize the court to issue an order that reasonable restitution shall be paid by the defendant to any individual or agency providing services to the family or household member as a direct result of the abuse, as specified

Ch. 579 (AB 3663) Roos Insurance.

Existing law prohibits an insurer from reducing benefits for services rendered by a nongovernmental charitable research hospital when the institution does not charge for its services in the absence of insurance and provides that specified insurance policies and union trust funds shall not contain any such exception, limitation, or reduction of benefits.

This bill would specify that this prohibition applies to insurance certificates as well as policies and union trust funds

The bill would also specify that the prohibition against denying benefits for services under these circumstances applies with respect to a claim for services rendered in a nongovernmental charitable research hospital in this state

The bill would also make its provisions applicable to covered individuals in this state notwithstanding the situs of the group master policy pursuant to which coverage is provided.

Ch. 580 (SB 1376) Foran Transportation development.

Under existing law, the California Transportation Commission is required to independently evaluate the budget of the Department of Transportation, including specified subjects, and submit its recommendations to the Legislature by February 15 of each year.

This bill would require that evaluation to be in regard to the adequacy of funding levels and the relative needs of specified program categories The bill would require the report to be submitted to the Legislature on March 15 of each year

Ch 581 (SB 1430) Speraw. Vehicles. vehicle and license plate theft or loss

(1) Existing law requires every peace officer, upon receiving a report of a stolen or taken vehicle registered under the Vehicle Code, or lost or stolen license plates, to immediately report that information to the Department of Justice, and requires the officer, upon receipt of a report of the recovery of the vehicle or plates, to immediately report the recovery to the department and advise the department and the original reporting police agency of the location and condition of the vehicle or plates.

This bill would revise those provisions to require every peace officer, upon receiving a report of any stolen or taken vehicle, or lost or stolen license plates, to immediately report that information to the department's Stolen Vehicle System, and to require the officer, upon the recovery of the vehicle or plates, to report the recovery to the system and advise the system of the location and condition of the vehicle or license plates recovered. Upon receipt of information of the recovery of the vehicle and its location and condition, the original reporting agency would be required to notify the victim, within 48 hours, excluding weekends and holidays, of the location and condition of the vehicle. The bill would make various technical and clarifying changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 582 (SB 1796) Johnson. Vessel registration fees.

Under existing law, Chapter 881 of the Statutes of 1980 increased vessel registration fees by specified amounts and continuously appropriated the amount derived from that increase for support of local boating safety and enforcement programs pursuant to specified provisions, but provided for the increased fees to remain in effect only until January 1, 1983

This bill would delete the termination date on the fee increases, thereby continuing the appropriation for support of local boating safety and enforcement programs.

Ch. 583 (SB 1815) Watson. Limitations of actions.

Under existing law, with respect to felonies other than certain specified felonies, an indictment must be found, or specified arrest warrant issued within 3 years after its commission. With respect to other specified felonies such time period is 6 years after the commission of the felony, and with respect to still other specified felonies, such time period is 3 years after the discovery of the felony. The provisions that an indictment must be found, or an arrest warrant issued within certain time limits, and providing for the tolling of time limitations upon the issuance of an arrest warrant or finding of an indictment, remain in effect only until a decision of a court of appeal or the California Supreme Court, or an amendment to the California Constitution, provides that a person charged by indictment is not entitled to a preliminary hearing, as specified.

This bill would specify that felony Medi-Cal fraud is an offense for which an indictment must be found or an arrest warrant issued within 3 years after its discovery.

Ch. 584 (AB 57) Bergeson. Courts: marshals and sheriffs.

Existing law specifies the duties of the marshal's office and the sheriff's office.

This bill would authorize the Board of Supervisors in Orange County to consolidate duplicate services provided by the sheriff's office and the marshal's office in that county, as specified.

The bill would also declare that it constitutes necessary special legislation.

Ch. 585 (AB 424) Lockyer. Contractors: home improvement.

Under existing law, it is a misdemeanor for any person to engage in the occupation of salesman of home improvement goods or services within the state without having a registration issued by the Registrar of Contractors. Existing law excludes from the definition of "home improvement salesman," and thus exempts from this registration requirement, a seller of home improvement goods or services who does not utilize a contract which provides for a lien on real property.

This bill would repeal the provision of law which excludes from the definition of "home improvement salesman" a seller of home improvement goods or services who does not utilize a contract which provides for a lien on real property. In doing so, this bill would (1) subject a new class of persons to criminal liability for engaging in the occupation of home improvement salesman without being registered, and (2) provide for the registration of a new class of persons, the registration fees of whom would be placed in the continuously appropriated contractors' license fund.

This bill would, in addition, exclude from the definition of "home improvement salesmen" bona fide service repairmen who are in the employ of a licensed contractor and who are responding to a buyer-initiated service or repair call.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 586 (AB 2262) Greene State contracts. small business preference.

Existing statutes. (1) provide a procedure for the granting of a small business preference to qualifying small businesses for state procurements and construction contracts of the Office of the State Architect and (2) prohibit the making of contracts, except unit basis contracts, exceeding the approved estimated costs which cannot exceed the sum specifically appropriated therefor.

This bill would prohibit the granting of the preference if granting the preference would result in a computed bid for the preference recipient which would exceed the funds appropriated by the Legislature, plus any augmentation by the State Public Works Board pursuant to the Budget Act.

Ch. 587 (AB 2311) Ivers. Veterans organizations impersonation

(1) Existing law specifies misdemeanor penalties for the unauthorized wearing or use of the badge, lapel button, rosette, or other recognized insignia of designated veterans' organizations, including, but not limited to, the Grand Army of the Republic and the United Spanish War Veterans

This bill would specifically require the express permission of the veterans' organization for the wearing of its badge, button, rosette, or other insignia, and would revise the specified penalties for these violations by making a first conviction punishable by imprisonment for not more than 30 days or a fine of not more than $250, and for a second or subsequent conviction by imprisonment for not more than 6 months, a fine of not more than $500, or both. The bill would specify that nothing in the above provision would preclude prosecution for violation of any other law.

The bill would also delete reference to the Grand Army of the Republic and United Spanish War Veterans.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 588 (AB 2313) Lockyer. Exclusive or preferential highway lanes for high-occupancy vehicles: transit districts.

Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential use of highway lanes for high-occupancy vehicles Prior to establishing the lanes, competent engineering estimates are required to be made of the effect of the lanes on safety, congestion, and highway capacity

This bill would require the department, when authorizing or permitting exclusive or preferential use of highway lanes for high-occupancy vehicles on any highway located within the territory of a regional transportation planning agency or a local transportation commission, to obtain the approval of the regional transportation planning agency or the local transportation commission prior to establishing the exclusive or preferential use of the highway lanes

Those provisions would be repealed July 1, 1984, unless a later enacted statute, which is chaptered before July 1, 1984, deletes or extends that date

The bill would take effect immediately as an urgency statute

Ch 589 (AB 2364) Leonard. Mental health· clothing of patients.

Existing law provides for the commitment of certain individuals to mental health facilities if the individual is found to be not guilty by reason of insanity; [or]* not competent to stand trial due to a mental disorder; ~~or a mentally disordered sex of~~

~~fender~~*. [Prior to January 1, 1982, the law provided for the commitment to such facilities of mentally disordered sex offenders]* There are no provisions in existing law which require that individuals committed pursuant to these ~~statutes~~ [provisions]* wear identifiable clothing [while in the facilities]*.

This bill would give the State Department of Mental Health the authority to require that these individuals wear identifiable clothing in a secured area of the facility

This bill would take effect immediately as an urgency statute.

Ch. 590 (AB 2389) Bergeson Schools. curriculum.

Existing law authorizes the governing board of any school district to grant a temporary or permanent exemption to pupils from required courses of study in physical education, as specified.

This bill would specifically grant to the office of the county superintendent of any county the same authority to temporarily exempt pupils from required physical education courses as that given under current law to the governing board of any school district.

This bill would also authorize the governing board of any school district or the office of the county superintendent of any county to grant a permanent exemption from physical education to pupils enrolled in a juvenile home, ranch, camp, or forestry camp school where pupils are scheduled for recreation and exercise pursuant to the requirements of prescribed provisions of the California Administrative Code

This bill would incorporate changes in Section 51241 of the Education Code, proposed by SB 2064, but only if SB 2064 and this bill are both chaptered and this bill is chaptered last

Ch 591 (AB 2393) Sher Gifts to minors

Under the existing California Uniform Gifts to Minors Act, an adult may make a gift, during his or her lifetime or by will, of a security, money, a life or endowment insurance policy, or an annuity contract to a person who is a minor

This bill would authorize a gift made under the act or by will to consist of real estate, tangible personal property, or any other property, including an interest in a partnership or a limited partnership.

This bill would include an industrial loan company, as specified, within the definition of a "financial institution," for purposes of the California Uniform Gifts to Minors Act.

This bill would incorporate additional changes in Section 1155 of the Civil Code, proposed by AB 3359, contingent upon the prior enactment of AB 3359.

Ch 592 (AB 2527) Hughes State Teachers' Retirement System

Existing law prohibits service credit during a school year from exceeding the fraction of a year which makes 1 year of service, when added to the service credited to such member under the Public Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California as performed during the year

This bill would repeal that prohibition.

Existing law affords service credit for unused sick leave

This bill would make clarifying changes in that law.

Ch. 593 (AB 2732) Duffy. California Pistachio Commission

(1) Existing law defines "distributor" for the purpose of the California Pistachio Commission as any person who engages in the operation of selling, marketing, or distributing pistachios which he or she has produced or purchased or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise

This bill would delete the term "distributor" for the purpose of the commission and replace it with the term "handler."

(2) Existing law defines "processor" for the purpose of the commission to be any person engaged as a distributor in the business of distributing pistachios and employees thereof so engaged.

This bill would instead define "processor" for this purpose to be any person engaged as a handler in the business of selling, marketing, or distributing pistachios. The bill would also define "processor," for the purpose of collecting assessments, to mean a

person, business, or corporation which prepares for market pistachios he or she has produced or received from producers, and in so doing establishes the commodity's marketability

(3) Existing law provides that the assessment imposed for support of the commission activities shall not exceed 1 5% of the gross dollar value, less processing and hulling costs, of the year's sale of pistachios by all producers to processors. These assessments are deposited in banks designated by the commission and may be spent on its behalf.

This bill would instead provide that the assessment shall not exceed 5% of the average price paid to producers, computed on a per pound basis or the equivalent, thereby making an appropriation to the commission

(4) The bill would take effect immediately as an urgency statute.

Ch. 594 (SB 1481) Presley. Fireworks: emergency signaling devices

(1) Existing law makes it unlawful for any person who is a retailer to sell or transfer safe and sane fireworks to any person who is under 16 years of age.

This bill would make it unlawful for any person who is a retailer to sell or transfer any rocket, rocket propelled projectile launcher, or similar device containing any explosive or incendiary material, as specified. The bill would make it unlawful for a minor to possess such a device unless he or she has the written permission of, or is accompanied by, his or her parent or guardian. A violation of this provision would constitute a misdemeanor.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 595 (SB 1364) Presley. Financial Institutions. criminal records

Existing law provides for the furnishing of summary criminal history information to specified persons and entities by the state Department of Justice and local agencies.

This bill would provide for the furnishing of summary criminal history information, as specified, to specified financial institutions under certain circumstances, and would exempt the furnishing of fingerprints, in connection with a request for the information, from certain prohibitions of law

Ch 596 (AB 2319) Agnos Vending facilities.

Existing law provides for the Business Enterprises Program for the Blind, under which blind persons operate vending facilities in buildings owned, leased or used by governmental entities

This bill would provide that after the death of a blind vendor on or after January 1, 1981, the vendor's spouse shall have the right to operate the facility operated by the blind vendor prior to his or her death if the spouse is blind, as defined; has been certified as qualified to operate a vending facility, even if not currently certified; has assisted the blind vendor to operate the facility; becomes recertified to operate a vending facility within 1 year of the death of the blind vendor by passing a certification examination with a score of at least 70%, and participates in an on-the-job supervised training experience for a period of at least 2 months

The bill would provide that, during the 1-year period following the death of the blind vendor, the spouse shall be eligible for any training which is offered to persons seeking to become blind vendors

This bill would take effect immediately as an urgency statute

Ch. 597 (AB 2927) Bane Horseracing: 22nd District Agricultural Association

(1) Existing provisions of the Horse Racing Law define "racing weeks" as 7 consecutive days during which a licensed racing association is authorized by the California Horse Racing Board to conduct horseracing for a minimum of 5 days

The board is authorized to allocate racing weeks consisting of less than 5 racing days for the additional weeks of harness racing or quarter horse racing allocated to a lessee

of the California Exposition and State Fair if the association and organization representing the horsemen agree to the allocation This provision is repealed January 31, 1984, unless a later enacted statute chaptered prior to January 31, 1984, deletes or extends that date

This bill would authorize the board to allocate racing weeks of 4 or 5 racing days for the 12 additional weeks of harness racing allocated to the 22nd District Agricultural Association by the bill The provision would be repealed January 31, 1984, unless a later enacted statute chaptered prior to January 31, 1984, deletes or extends that date.

(2) Under existing law, the maximum number of racing days which may be allocated by the board to a district agricultural association is 14 days per year unless an exception applies.

This bill would authorize the board to allocate a maximum of 12 additional weeks of harness racing to the 22nd District Agricultural Association to be conducted on its grounds during the months of January, October, November, and December The deductions from the parimutuel pool for the harness meetings, including the additional 3% deductions from multiple wagering pools, after payment of license fees, would be distributed 50% as commissions and 50% as purses. Racing would not be required on state or national holidays if the association and the organization representing horsemen make an agreement, as specified.

(3) The bill would incorporate changes in Section 19612 1 of the Business and Professions Code made by AB 3645 if both this bill and AB 3645 are chaptered and this bill is chaptered last

(4) The bill would take effect immediately as an urgency statute.

Ch 598 (AB 2632) Bosco Commercial fishing gill nets

Under the existing law, it is unlawful to take salmon, steelhead, or striped bass with gill nets, or to sell or possess for sale those fish which were taken in California waters by the use of gill nets.

This bill would appropriate $25,000 from the Fish and Game Preservation Fund to the Department of Fish and Game for the purpose of making a grant to the County of Del Norte for purposes of assisting the county in the payment of litigation costs involving violations of those provisions

The bill would take effect immediately as an urgency statute.

Ch 599 (SB 1305) Montoya. Hours of business or operation

Existing law provides that a retail gasoline dealer may not be precluded by a franchisor from establishing his own hours of business or operation beyond the hour of 10 p.m. and prior to 6 a m , except as specified

This bill would provide instead that a franchisee shall not be required to operate his or her service station during unprofitable hours, provided that the hours of operation that are maintained by the franchisee are for a continuing period of time, upon submission of specified documentation relating to profits to the franchisor, and opportunity of the franchisor to dispute the claim by producing its own documentation. The bill would provide that in the event there is no agreement as to the profitability of certain hours of operation, the franchisor and franchisee shall conduct arbitration in accordance with the rules of the American Arbitration Association, and the decision of the arbitrator shall be final

Ch 600 (SB 1150) Beverly Actions dismissals

Existing law provides that actions shall not be prosecuted and shall be dismissed unless the summons on the complaint or the cross-complaint is served and return made within 3 years of commencement of the action or filing of the cross-complaint Existing law provides that actions shall be dismissed if, after service upon the defendant or the general appearance of the defendant, no answer has been filed, and the plaintiff fails to have judgment entered within 3 years of the service or general appearance. Those periods of time may be extended by stipulation, or for periods when the defendant was not amenable to service.

This bill would provide that those provisions are mandatory and not excusable, and that the periods of time are jurisdictional, except that compliance may be excused where the defendant is estopped to complain or where compliance would be impossible, im-

practicable, or futile due to causes beyond a party's control

Ch. 601 (SB 1558) Ellis Cities business license

(1) Existing law authorizes cities to license, for revenue or regulation, every kind of lawful business transacted in the city. An activity licensed by the city may be one for which a state license is required, or may be specifically exempted from state licensure

This bill would require a city business license issued solely for the purposes of revenue and not for regulation, for which the city does not require the licensee to furnish verification of state licensure or the basis of exemption therefrom, to have printed thereon a statement that the city license is issued without verification that the licensee is subject to or exempted from licensing by the state

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

Ch. 602 (SB 1382) Speraw. Appropriation. settled wrongful death claim of Kay M. Breneiser against the state

This bill would appropriate $75,000 to the State Department of Justice to pay the settlement of the claim of Mrs. Kay M Breneiser against the State of California in the wrongful death action entitled Kay M. Breneiser v State of California, relating to the death of David E Breneiser.

This act would take effect immediately as an urgency statute

Ch. 603 (SB 1353) Foran. State highways county minimum expenditure.

Existing law requires the California Transportation Commission, commencing July 1, 1983, to allocate 70% of highway construction funds in the State Highway Account to each county in the 2 county groups pursuant to a formula which is based 75% on the population of the county to the total population of the county group and 25% on the state highway miles in the county to the total state highway miles in the county group

This bill would authorize a county board of supervisors to adopt a resolution to pool their county minimum expenditure with adjacent counties for a 4-year period and would require the resolutions to be submitted to the commission not later than May 1 immediately preceding the commencement of the 4-year period

Ch 604 (SB 1849) Roberti Information Practices Act

The Information Practices Act of 1977 restricts disclosure of personal and confidential information, as specified, which is contained in public records and which would otherwise be public.

This bill, among other provisions, would amend the act concerning the meaning of "confidential information" and when personal or confidential information may be disclosed

The bill also would make nonsubstantive changes in the act

Ch 605 (SB 1730) Marks Small claims court

(1) Under existing law, a small claims court is authorized to formulate and distribute a manual on small claims court rules and procedures to litigants and the public.

This bill would require, contingent upon a determination that sufficient funds are available, that the Department of Consumer Affairs, in cooperation with the Judicial Council, prepare and distribute a manual on small claims court rules and procedures, as specified.

(2) Under existing law, a defendant in a small claims court case may appeal the judgment of the small claims court to the superior court, as specified If the judgment

of the superior court is affirmed in whole or in part or the appeal is dismissed, the defendant is required to pay it to the plaintiff and the statutes provide no discretion as to terms or conditions of payment.

This bill would expressly authorize the superior court to specify terms and conditions of payment of the judgment.

(3) Existing law does not require the establishment of an advisory committee with respect to small claims court practices and procedures.

This bill would require, contingent upon the determination that sufficient funds are available, that an advisory committee be established, composed as specified, to study small claims practice and procedure, with particular attention to the improvement of procedures for the collection of judgments, such committee to report to the Judicial Council no later than December 1, 1984, as specified

Ch. 606 (SB 1779) Rains Administrative adjudication. defenses

Existing provisions of the Administrative Procedure Act require that a hearing by a state agency to determine whether a right, authority, license, or privilege should be revoked, suspended, limited, or conditioned shall be initiated by filing an accusation, and that hearings shall be conducted by the Office of Administrative Hearings. Those provisions authorize a respondent, within 15 days after service upon him of the accusation, to file a notice of defense with the agency in which he may, among other things, request a hearing, or object to the accusation because it does not state grounds for proceedings against him or it is so indefinite he cannot prepare a defense.

This bill would include, within the notice of defense that a respondent may file, an objection to the accusation on the ground that, under the circumstances, compliance with the requirements of a regulation would result in a material violation of another department's regulation affecting substantive rights

Ch. 607 (SB 1767) Craven. Contracts: statute of limitations for actions against unlicensed contractors.

Existing law provides that it is a misdemeanor for any person to engage in the business or act in the capacity of a contractor within this state without having a license therefor, unless such person is particularly exempted from the provisions of the Contractors License Law. Existing law provides that, except as specified, an indictment for any misdemeanor shall be found or an information or complaint filed within 1 year after its commission.

This bill would provide that, notwithstanding any other provision of law to the contrary, an indictment for any violation of the former provision by an unlicensed contractor with respect to work done by the unlicensed contractor shall be found or an information or complaint filed within 3 years from the date of completion of the work.

Ch 608 (SB 1721) A Garcia Board of Registration for Professional Engineers.

Existing law requires an applicant for registration as a professional engineer or for a license as a land surveyor to have, among other things, 6 years' experience in engineering or land surveying, respectively. The law authorizes the Board of Registration for Professional Engineers to give credit towards the experience requirement for graduation from college or completion of courses without graduation within limits, as specified.

This bill would revise the credit towards experience provisions and would authorize the board to give credit towards the experience requirement for the passing of specified examinations

Ch 609 (AB 2799) Mountjoy. Heliport system. study.

Under the State Aeronautics Act, aeronautics is regulated by the Department of Transportation, which provides local assistance and regulates airport operations through the issuance of airport permits.

This bill would permit the department to assist political subdivisions in the development of plans for regional and local heliport systems

The bill would be repealed on January 1, 1985, unless a later enacted statute chaptered on or before January 1, 1985, deletes or extends that date.

Ch. 610 (SB 1333) Presley. Mountain lions

(1) Under existing law, until January 1, 1983, a mountain lion is not a game mammal and it is generally unlawful to take any mountain lion, except that a depredating mountain lion may be taken under a permit issued by the Department of Fish and Game.

This bill would extend the January 1, 1983, termination date for the above provisions to January 1, 1986, after which date it would be lawful to take mountain lions after procuring license tags and following a specified procedure. The bill would revise the department's depredation permit requirements for a mountain lion and specify that any mountain lion that is encountered while in the act of depredation may be taken immediately by the owner of the livestock or the owner's employee so long as the taking is promptly reported to the department, the department investigates the depredation, and the carcass is turned over to the department The bill would make related changes.

The bill would delete the provision which states that mountain lions are not game mammals and provide until January 1, 1986, that the mountain lion is a specially protected mammal

(2) The bill would, on and after January 1, 1986, authorize any owner or tenant, of land or property that is being damaged or destroyed or is in immediate danger of being damaged or destroyed by mountain lions to take those mountain lions, as specified.

(3) The bill would, until January 1, 1986, require the Fish and Game Commission to direct the department to develop a plan for the management of mountain lions within an area in which depredation cannot be controlled under individual permits

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 611 (SB 1373) Presley Oil and gas and geothermal energy operations enforcement: civil penalties

Under existing law, the State Oil and Gas Supervisor regulates the drilling, operation, maintenance, and abandonment of oil and gas and geothermal energy wells Hindering or delaying the supervisor in the regulation of those activities or the noncompliance with the provisions governing those activities is a misdemeanor

This bill would provide that any person violating the provisions governing those activities may be liable, in lieu of the specified penalties for a misdemeanor, for a civil penalty not to exceed $500 for each violation. The bill would also require the Attorney General, upon the request of the supervisor, to bring a civil action to impose and recover those sums and would require any amounts collected to be deposited in the General Fund

Ch. 612 (SB 1460) Russell Vehicles· violations: driver's licenses

Under existing law, the Department of Motor Vehicles, generally, may not suspend the license of a driver for a longer period than 6 months unless a longer term is expressly provided, and, before a license may be issued, reissued, or returned to a licensee after a mandatory suspension or a mandatory revocation ordered by the department, a fee sufficient to pay the actual costs of the issuance, reissuance, or return is required, with certain exceptions.

This bill would authorize the department to suspend a driver's license for a maximum period of 12 months in cases when a discretionary revocation would otherwise be authorized, as specified, and would require a licensee, with specified exceptions, to pay the actual costs of the issuance, reissuance, or return of any suspended or revoked driver's license

Ch 613 (SB 1478) Davis Schools meals for needy pupils

Existing law requires each school district and county superintendent of schools to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday Any district or county superintendent which has inadequate or no food preparation facilities is authorized to contract for the preparation, delivery, and service of the meals, as specified

This bill would authorize a school district or county superintendent of schools which

has had no food service employees since July 1, 1977, to contract for the preparation, delivery, and service of meals for needy pupils.

Ch. 614 (SB 1489) Foran Minor forest products.

Existing law requires a permit for removal of minor forest products, as specified.

This bill would provide that this requirement does not apply to the transport of those products in a passenger vehicle

Ch. 615 (SB 1563) Sliern. Desert native plants: harvesting of.

(1) Existing law regulating the harvesting of desert native plants lists various types of native plants, including cacti, which may only be harvested under a permit issued by the county agricultural commissioner or the sheriff of the county in which the native plants are growing and various types of native plants which may not be harvested except for scientific or educational purposes. A person violating these provisions is guilty of a misdemeanor.

This bill would add ferocactus acanthodes (barrel cactus) to those native plants which may not be harvested except for scientific or educational purposes The bill would also clarify that the fruit from native plants which may only be harvested under a permit issued by the commissioner or the sheriff may be harvested without a permit.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would take effect immediately as an urgency statute.

Ch 616 (SB 1705) Alquist. National Guard: tort liability, pay, and awards and decorations.

(1) Existing law specifies certain types of tort claims against public entities and employees which may be presented to and recovered from public entities. Recent federal legislation includes members of state national guards while engaged in certain training exercises within the federal torts claims provisions.

This bill would provide that public entities are not liable for the torts of members of the National Guard under these circumstances where federal liability applies and federal compensation is made.

(2) Existing law provides that enlisted members of the National Guard in pay grades E1 through E5 receive $12 80 per day pay when called to emergency state active duty pursuant to specified provisions

This bill, instead, would provide that, under these conditions of active duty, enlisted personnel in pay grades E1 through E4 shall receive pay equal to pay grade E5

(3) Existing law authorizes various decorations for members of the National Guard, State Military Reserve, and Naval Militia under various specified conditions and circumstances, including the Medal of Valor, Military Cross, Medal of Merit, and commendation ribbon with pendant.

This bill would create a new category of decoration designated the Order of California, specifying the qualifications and conditions for its receipt It would provide, with respect to the Order of California, Medal of Merit, and commendation ribbon with pendant, that they may also be awarded to civilians and members of other military services who distinguish themselves in accordance with the qualifications and conditions specified for each such award.

(4) The bill would also make various technical and conforming changes and revisions.

Ch. 617 (SB 1967) Marks. Validations

This bill would enact the First Validating Act of 1982, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

This bill would take effect immediately as an urgency statute.

Ch. 618 (SB 1612) Montoya. Railroads: violation of Public Utilities Commission orders.

Under existing law, every public utility, including a railroad corporation, is generally required to obey orders of the Public Utilities Commission, and in the enforcement of its orders the commission may seek mandamus or injunction, may levy civil penalties, and may punish for contempt in addition to pursuing criminal penalties.

This bill would, in addition, permit the commission to impose a fine of not more than $2,000 for each violation by a railroad corporation of any commission order concerning adequacy, condition, or safety of tracks or cars or a fine of not more than $200 for each day the violation continues, plus interest.

The bill would also include other technical and corrective changes.

Ch. 619 (SB 1945) Sieroty. Warranties: assistive devices

Existing law requires that every sale of assistive devices, as defined, include an implied warranty of fitness, as specified, and a written warranty, to be delivered to the buyer at the time of the sale of the device, that the device is specifically fit for the particular needs of the buyer or ultimate user. This written warranty also provides that the device may be returned within 30 days, or a longer period if the retail seller so specifies, of actual receipt of the device by the buyer or completion of fitting by the seller, whichever occurs later, if it is not specifically fit for the particular needs of the buyer. Any sale of an assistive device which is a catalogue or similar sale, as defined, or which involves a retail sale price of less than $15 is not, however, subject to such warranty requirements.

This bill would additionally exempt from these warranty requirements sales by a physician and surgeon made in connection with the provision of a surgical implant, a restoration or dental prosthesis provided by a dentist, and would exclude from the definition of "assistive device" for consumer warranty purposes prescriptive lenses and other ophthalmic goods unless sold or dispensed to a blind person, as specified.

Ch. 620 (SB 2013) Petris. Insurance discrimination

Existing law provides that no insurer issuing, providing, or administering any contract of individual or group insurance providing hospital, medical, or surgical benefits applied for and issued on or after January 1, 1981, shall refuse to insure or continue to insure, or limit the amount, extent, or kind of coverage, or charge a different rate, solely because of a physical or mental impairment, except where it is based on sound actuarial principles applied to actual experience, or sound underwriting practices.

Existing law also provides that no insurer issuing any life, accident, or health insurance policy or annuity on or after January 1, 1984, shall refuse to insure or continue to insure, or limit the amount, extent, or kind of coverage, or charge a different rate to an individual solely because of blindness, except where it is based on sound actuarial principles or actual and reasonably anticipated experience

This bill, operative January 1, 1984, would instead provide that no insurer issuing, providing, or administering any contract of individual or group insurance providing life, annuity, or disability benefits applied for and issued on or after January 1, 1984, shall refuse to insure or continue to insure, or limit the amount, extent, or kind of coverage, or charge a different rate, solely because of blindness, partial blindness, or a physical or mental impairment, except where it is based on sound actuarial principles or is related to actual and reasonably anticipated experience.

The bill would define "blindness or partial blindness" and "physical or mental impairment"

Ch 621 (SB 2063) Doolittle. Arbitration award relief.

Under existing law, an arbitration award has the same force and effect as a judgment in any civil action, except that it is not subject to appeal and that it may not be attacked or set aside unless (1) a request for trial is made within 20 days after the award is filed or (2) a petition or response is served and filed to vacate the award on specified grounds In addition, pursuant to the Judicial Arbitration Rules for Civil Cases, a party against whom a judgment is entered pursuant to an arbitration award may, within 6 months of its entry, move to vacate the judgment on the ground that the arbitrator was subject to a disqualification not disclosed before the hearing, as specified.

This bill, in addition, would authorize a court to relieve a party or the party's legal representative from an award on grounds of mistake, inadvertence, surprise, or excusable neglect, as specified, to the same extent that a party or the party's legal representa-

tive is given relief in nonarbitration cases

Ch 622 (SB 1167) Keene Insurance Guarantee Association

Under existing law, the Insurance Guarantee Association, established by member insurers, pays and discharges certain obligations of insolvent member insurers

Under existing law, the association pays claims from premium payments collected from member insurers.

This bill would provide that the rate of premium charges to each member shall initially be based on the latest year's annual financial statement, but would be adjusted by applying the same rate to the annual statement for the year following the year in which the initial premium charge is made

Under existing law, certain excess premiums collected are refunded to member insurers

This bill would provide that those excess premiums shall be refunded or applied to reduce future premiums

Under existing law, member insurers are to recoup assessments by way of a surcharge on premiums, and the amount of the surcharge is to be separately stated on any billing.

This bill would require the surcharge to be separately stated on either a billing or a policy declaration It would provide that the association shall determine the rate of the surcharge, and where excess surcharges are collected, the excess shall be remitted to the association as an additional premium and shall be applied to reduce future premium charges for that insurer in the appropriate category.

Provisions of Chapter 1154 of the Statutes of 1981 revised provisions relating to the Insurance Guarantee Association. Among other things, they revised the definition of "covered claim" and provided for recoupment of assessments.

This bill would provide that specified provisions of Chapter 1154 of the Statutes of 1981 are only effective with respect to insolvencies occurring on or after January 1, 1982.

The bill would take effect immediately as an urgency statute

Ch 623 (SB 1296) Russell. School districts· community college districts. health and welfare benefits.

Existing law explicitly states that nothing in certain specified provisions of the Government Code and Education Code shall be construed as prohibiting school districts and community college districts from joining with other school districts or community college districts, or with any combination of those districts under the jurisdiction of the same county superintendent of schools, in providing for the payment of health and welfare benefits through certain specified means.

This bill would remove from that statement the language indicating that any combination of school districts and community college districts joining together to provide for the payment of health and welfare benefits is required to be under the jurisdiction of the same county superintendent of schools

The bill would recast a related provision, and would validate certain preexisting health and welfare arrangements entered into prior to the effective date of this bill

This bill would take effect immediately as an urgency statute

Ch. 624 (SB 1583) Presley State government: Youth and Adult Correctional Agency

Pursuant to the Governor's Reorganization Plan No 3 of 1979, the Youth and Adult Correctional Agency consists of the following state governmental entities: the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, the Board of Corrections, the Correctional Industries Commission, the Institutional Review Board, and the Narcotic Addict Evaluation Authority; the Secretary of the Youth and Adult Correctional Agency is the Chairman of the Board of Corrections.

This bill would codify that plan and make various related, conforming, technical, updating, and corrective changes

Ch. 625 (SB 1744) Holmdahl Suppression of evidence.

Existing law provides that a criminal defendant may make a motion for the return or suppression of property or evidence obtained as the result of an unreasonable search or

seizure with or without a warrant as specified.

(1) If the property or evidence relates to a felony initiated by complaint, the motion may be heard in the municipal or justice court at the preliminary hearing.

(2) If the motion for return of property or suppression of evidence relating to a felony is granted at the preliminary hearing and the defendant is not held to answer at the preliminary hearing, the prosecution may file a new complaint or seek an indictment after the preliminary hearing.

(3) If the motion is granted, the property or evidence is not admissible against the movent at any trial or other hearing unless specified appeals or proceedings are utilized by the prosecution If the motion to return property or suppress evidence is granted, the trial of the criminal case is stayed pending the termination of specified appeals or proceedings Specified proceedings under existing law are the sole and exclusive remedies prior to conviction to test the unreasonableness of a search and seizure where the person making the motion is a defendant in a criminal case against whom the seized property or evidence is sought to be used.

(1) The bill would require that if the property or evidence relates to a felony offense initiated by a complaint, the motion shall be made in the superior court only upon the filing of an information, except that the defendant may make the motion at the preliminary hearing in municipal or justice court, but it shall be restricted to evidence sought to be introduced by the people at that preliminary hearing.

(2) The bill would provide that if the motion for return of property or suppression of evidence relating to a felony is granted at the preliminary hearing and the defendant is not held to answer, the prosecution may in the alternative move to reinstate the complaint or those parts of the complaint for which the defendant was not held to answer.

(3) The bill would add the motion to reinstate a complaint, or a portion thereof, to those motions or proceedings which are exceptions to the nonadmissibility of property or evidence pursuant to a motion granting return of property or suppression of evidence, to those motions or proceedings for which a trial is stayed when a motion to return property or suppress evidence is granted.

The bill would state the intent of the Legislature that this act does not create any new grounds for exclusion of evidence but that the changes are procedural only.

The bill would take effect immediately as an urgency statute.

Ch 626 (SB 1891) Vuich. Secured obligations. statement of obligation.

Under existing law, a mortgagee or beneficiary of a deed of trust is required, upon written demand of the mortgagor, trustor, or other entitled person within a specified time period to provide to the person making the demand a written statement containing specified information regarding the obligation secured by the mortgage or deed of trust, including the amount and maturity date of the unpaid balance, the interest rate, the amount of periodic payments, the amount of insurance, the impound account balance, the amount of any liens on the secured property, and the date to which taxes have been paid.

This bill, in addition, would require the statement to include a copy of the note and trust deed or mortgage and any modifications thereto

Ch. 627 (AB 1910) M Waters Products liability insurers. reports.

Existing law makes no provision for the reporting of specified information relative to the issuance of products liability insurance

This bill would require any insurer issuing a policy of products liability insurance in this state to transmit specified information regarding, among other things, losses and expenses to the Department of Insurance in its annual report. The department would be required to maintain such information on file for 5 years, available for public inspection, with specified exceptions

Ch. 628 (AB 2312) Lockyer. Prisoners: escape.

Existing law provides for felony or misdemeanor punishment, in the alternative, for escape by persons in custody in a county or city facility, as specified.

This bill would prohibit granting of probation and specify a minimum period of imprisonment, except as specified, and require the sentence to be served consecutively

in certain of such cases

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 629 (AB 2388) Kelley Cemetery districts revolving funds

(1) Under existing law, the governing board of a special district, as defined, may by resolution provide for the establishment of a revolving fund in an amount not to exceed $1,000 for the purpose of making change and paying small bills directly.

This bill would permit the governing board of a public cemetery district to provide, by resolution, for the establishment of a revolving fund in an amount not to exceed 110% of 1/12 of the district's adopted budget for that fiscal year, and would permit the district to use the fund to pay any authorized expenditures of the district

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 630 (AB 2395) Konnyu. State fiscal and financial affairs.

Existing law assigns various duties relating to state fiscal and financial affairs to the Controller, the Department of Finance, and the Treasurer.

This bill make would make various legislative findings, would enact the Financial Integrity and State Manager's Accountability Act of 1983, and would provide for systems of internal accounting and administrative control in state agencies, as specified

Ch. 631 (AB 2408) Young. Drugs: phencyclidine.

Existing law provides that probation shall not be granted to, and the execution or imposition of sentence shall not be suspended for, among others, any person who is convicted of possessing for sale ½ ounce or more of phencyclidine.

This bill would apply this prohibition of probation or suspension of sentence instead to any person who is convicted of possessing for sale ½ ounce or more of a liquid or crystalline substance containing phencyclidine.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would take effect immediately as an urgency statute.

Ch 632 (AB 2419) Moore Tear gas

Existing law provides that any person may purchase, possess or use tear gas weapons if approved by the Department of Justice and are used solely for self-defense purposes, subject to requirements, as specified

This bill would require the department to include in its regulations that after January 1, 1984, every tear gas container and weapon sold for the purpose of self-defense have a label which discloses the date on which the useful life of the tear gas weapon expires

Ch 633 (AB 2644) Bates Community care facilities. day care for children: pilot project.

Existing law establishes a pilot project of registration of family day care homes for children in certain counties administered by the State Department of Social Services This project will terminate on January 1, 1983

This bill would extend the termination date of the pilot project to January 1, 1984.

Ch 634 (AB 2658) Torres Santa Monica Mountains Conservancy. recreational access.

(1) The Santa Monica Mountains Conservancy Act prescribes the boundaries of the Santa Monica Mountains Zone

This bill would revise the boundaries of the zone to include Griffith Park, Elysian Park, and El Pueblo de Los Angeles State Historic Park, and to include hiking and equestrian trail connections and accessways between the parks for purposes of providing a recreation trail corridor.

(2) Under the act, the conservancy is authorized to carry out projects within the zone.

This bill would require the conservancy to conduct a study and implement a program to provide recreational access from downtown Los Angeles and the inner city to the zone The executive director of the conservancy would be required to file by June 30, 1983, a map showing a feasible recreational trail corridor between El Pueblo de Los Angeles State Historic Park and Griffith Park.

Ch 635 (AB 2664) Vicencia. Vehicles: windshields: obstructions.

Existing law prohibits the driving of any motor vehicle with any object or material on the windshield or side or rear windows or so placed as to obstruct or reduce the driver's clear view through the windshield or side windows. Specific exceptions to this prohibition are provided.

This bill would, additionally, except from the prohibition any signs, stickers, or other materials which are displayed in a seven-inch square in the lower corner of the rear window farthest removed from the driver The bill would also make nonsubstantive technical and clarifying changes

Ch 636 (AB 2673) Bates. Mental health: community residential treatment system programs.

Existing law provides for a community mental health residential treatment system. To be eligible for funding, current law requires, among other things, that programs shall be designed as much as possible to reduce the dependence on psychiatric medications as a primary treatment tool

This bill would provide that programs in which prescriptions for medication are a component of the program shall be subject to medications-monitoring provisions, as specified, and that programs in which prescriptions for medication are not a component of the program shall be subject to evaluation provisions, as specified.

Ch. 637 (AB 2683) Torres Criminal prosecution: dismissal.

Under existing law, an order terminating an action against a person in a criminal matter is a bar to any other prosecution for the same offense, as specified, with certain exceptions

This bill would provide that if the judge or magistrate finds that the termination of the action was the direct result of the intimidation of a material witness, as shown by a preponderance of the evidence, the termination is not a bar to prosecution for the same offense.

Ch 638 (AB 2708) Hallett. Regional air service.

Under the State Aeronautics Act, aeronautics is regulated by the Department of Transportation pursuant to a state policy of cooperation with federal authorities in the development of civil aviation.

This bill would declare the policy of the state to foster and promote the development of a regional air carrier system to provide access for rural and small communities to the national air transportation system consistent with federal policies favoring deregulation, and would designate the department as the representative of the state before federal agencies in matters related to the Airline Deregulation Act of 1978 and the agency to assist and cooperate with federal, state, and local agencies and private entities in the development of a regional air carrier system.

Ch. 639 (AB 2728) Costa Canned ripe olives standards.

(1) Existing law specifies standards and requirements for canned ripe olives

This bill would repeal those standards and requirements regarding size names and average count per pound, size standards for blended sizes, standard cans, and markings in containers. The bill would revise those standards and requirements relating to tolerances above or below the count per pound of a designated size of olives by requiring the tolerances to conform to federal standards The bill would also require the standards and requirements relating to varieties of olives below specified sizes which may not be packed, shipped, delivered for shipment, or sold within the state to include mutations, sports, or other derivations of certain varieties and to prohibit such disposition of the Sevillano variety having a count range of under 75 per pound instead of under an average 70 to the pound.

(2) Under existing law, in addition to prescribed state standards, the standard of quality, condition, and fill of container and requirements for the marking of canned fruits and vegetables, including olives, are those promulgated by the Secretary of the United States Department of Agriculture.

This bill would delete olives from those canned fruits and vegetables for which federal standards are specifically made applicable

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 640 (AB 2749) La Follette. Jails

Existing law prohibits keeping persons committed on criminal process and detained for trial in the same room with persons convicted and sentenced, except for supervised activities

This bill would make an additional exception for housing purposes occurring as a result of a classification procedure based on specified considerations

Ch. 641 (AB 2825) Campbell. Agricultural marketing funds.

Existing law provides for the distribution, for specified purposes, of funds in the marketing trust accounts, by the Director of Food and Agriculture, which were collected under the California Marketing Act of 1937, the Agricultural Producers Marketing Law, and the California Beef Council Law

This bill would, in addition, authorize the board, committee, or council, which was established under the respective law to distribute the funds directly, as specified It would make relating comforming changes

Ch. 642 (AB 2912) Elder. Barbering

Existing law authorizes a barber college to engage various persons, who are not licensed barber instructors, to lecture or demonstrate at the college provided that the person is not engaged for more than 10 class periods per year, each period to be no longer than 5 hours per day, and requires any barber college who engages such a person to keep daily specified records relating to the engaged person Additionally, existing law requires that lectures and demonstrations by the person be confined to the classroom

This bill would provide that the engaged person shall instruct no more than 8 hours per week without any yearly limitation, would delete the recordkeeping requirement, and would delete the requirement that lectures and demonstrations be confined to the classroom.

Existing law requires the State Board of Barber Examiners to conduct examinations, as specified, not less than 4 times a year at the times and places it determines

This bill would delete the authorization of the board to conduct the examinations at the times and places it determines and would require the board to conduct at least 2 examinations in the southern part of the state and at least 2 in the northern part of the state each year

Existing law does not specify a time limit for the issuance of a certificate by the State Board of Barber Examiners after an applicant has passed an examination

This bill would require the board to inform an applicant for a certificate as a barber

or a barber instructor of the applicant's grade on an examination on the day of the examination and would require the issuance of the appropriate certificate on the day of the examination if the applicant meets specified requirements

Ch 643 (AB 3004) Bane Lupus Erythematosus.

(1) Under existing law, a special appropriation of $400,000 is made to the State Department of Health Services to make grants or contracts with facilities having research experience for carrying out programs for basic research on lupus erythematosus. Additionally, the contracts or grants are to be approved and the programs are to be monitored by a specified board which is authorized, by unanimous consent, to contract for the services of a part-time consultant or one of its members to monitor the research programs, analyze grant applications, perform duties prescribed by the board, and coordinate the functions of the board.

The bill would delete the reference to that special appropriation and additionally authorize the board to contract the service of the consultant or board member to do onsite monitoring of the research programs

(2) Existing law also required that total expenses of the board, including travel expenses for the consultant, not exceed an amount equal to 5% of amounts appropriated for lupus erythematosus research

The bill would limit the total administrative expenses of the board, including its consultant, to 5% of the amount appropriated for the research

Ch. 644 (AB 3049) Kapiloff. Special education. individualized education programs

Existing law requires any mandatory individualized education program for a pupil with exceptional needs to be developed within 50 days, not counting days in July and August, from the date of receipt of the parent's written consent for assessment of the pupil's needs.

This bill would limit the application of this requirement to those individualized education programs required as a result of an assessment of a pupil.

Current law directs an individualized education program team, as defined, to meet whenever certain specified circumstances occur These circumstances leading to a meeting requirement include the receipt of a request for a meeting to review the individualized education program from the pupil's parent

This bill would specify that a meeting to review an individualized education program pursuant to a parent's request shall be held within 30 days, not counting days in July and August, from the date of receipt of the parent's written request. This bill would also require school districts to notify a parent of the need to submit a request in writing and the procedure for filing a written request if the parent makes an oral request to review the individualized education program

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 645 (AB 3082) Elder Medi-Cal transportation services.

Existing law provides for the Medi-Cal program, under which health care services, including medical transportation services, are provided to low-income and indigent recipients

This bill would provide that an entity which is a recipient of specified funds under the federal Urban Mass Transit Act shall not receive reimbursement for medical transporta-

tion services under the Medi-Cal program in amounts greater than the fee charged to persons for whom services are not reimbursed by Medi-Cal

Ch 646 (AB 3358) Rogers. Credit cards.

Existing law defines the term "credit card" for the purpose of applying the laws regulating the use of credit cards and specifies devices which are excluded from this definition.

This bill would specify that any key or card key used at an automated dispensing outlet to obtain petroleum products which will be used primarily for business rather than personal or family purposes, is not a credit card. The bill would also provide that any rights or responsibilities created by the Song-Beverly Credit Card Act shall have no effect with respect to transactions involving the use of these keys or card keys.

The bill also provides that the key or card key holder shall not be liable for losses due to loss or theft of the key or card key incurred after receipt by the issuer of the key or card key of written or oral notification of such loss or theft

This bill would incorporate additional changes in Section 1747.02 of the Civil Code, proposed by SB 1919, to be operative only if SB 1919 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch. 647 (AB 3102) Ivers. Health lifeguards: certification.

Existing law defines "lifeguard services" to mean the attendance, at all times that persons are permitted to engage in water-contact sports, of 1 or more lifeguards who hold Red Cross or Y.M.C.A. senior lifeguard certificates or equivalent qualifications and whose only duties are to superintend the safety of participants in water-contact sports.

This bill would redefine "lifeguard services" to mean the attendance, at a public swimming pool during periods of use, of 1 or more lifeguards who possess, as minimal qualifications, current Red Cross advanced lifesaving certificates or Y.M.C.A. senior lifeguard certificates or have equivalent qualifications and who are trained to administer first aid, including, but not limited to, cardiopulmonary resuscitation, and who also possess current certificates for cardiopulmonary resuscitation and first aid

Ch 648 (AB 3222) Bates Mental health. primary prevention projects.

Existing law establishes guidelines and principles for mental health primary prevention projects which may be implemented by school districts with available funds Existing law also requires the State Department of Mental Health to establish the pilot primary prevention projects for a period of 3 years in at least 4 school districts to be funded on the basis of 50% state and 50% school district funds.

This bill would require the department to conduct a review of each primary prevention project at the end of 1 year of operation to improve the projects and to ensure compliance with program guidelines. These provisions would become operative only if Senate Bill No 845 is also chaptered.

Ch. 649 (AB 3330) Leonard. Department of Finance: review of departmental regulations

Existing law provides that the Department of Finance shall institute investigations and proceedings as it deems proper to conserve the financial and business interests of the state. It does not limit the power of the department to review and approve regulations adopted by state agencies.

This bill would provide that the Legislature shall not authorize or require the department in the Budget Act to review and approve regulations adopted by state agencies except those adopted by the Department of Social Services which increase the cost of a public assistance program, as defined, or those adopted by any state agency which increase expenditures from the Health Care Deposit Fund under the Medical Assistance Program

This bill would require the department to limit its review of those regulations to establishing the sufficiency of available funds for the added expenditures. It would require the department to issue written instructions explaining the department's review process of those regulations, and would require completion of the review within 15 working days following receipt of a regulation.

Ch. 650 (AB 3388) Goggin. Mental disorder.

Existing law provides for extended commitment of dangerous insane criminal offenders upon the submission of evaluations and the case file concerning the person's condition to the prosecuting attorney by the medical director of the state hospital or other treatment facility who believes the defendant is a person subject to the provisions for extended commitment

This bill would require the submission of an opinion by the medical director to the prosecutor prior to the termination of the commitment of any insane criminal offender as to whether or not the person is a person subject to the provisions for extended commitment.

The bill would make similar provisions applicable to mentally disordered sex offenders who are still subject to extended commitment, having been committed prior to the recent repeal of provisions of law relating to such offenders.

The bill would take effect immediately as an urgency statute.

Ch. 651 (AB 3418) Tanner. Toxic disaster contingency plan.

Existing provisions of the state toxic disaster contingency plan require the Office of Emergency Services to establish a central notification and reporting system to facilitate response procedures pursuant to the plan.

This bill, in addition, would require any state and local agency having knowledge of a toxic disaster to ensure the prompt reporting thereof to the office, and would require the office to maintain a listing of all toxic disasters occurring in California, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 652 (AB 3455) Bates. Mental health.

Under existing law, negotiated net amounts may be used as the cost of services in a contract which provides for the delivery of all or part of the total county Short-Doyle annual plan for each fiscal year and negotiated rates may be used in contracts by providers with the county.

Existing law provides that, for negotiated net amounts contracts that provide 75% or more of the total county Short-Doyle annual plan, the contracting organization shall bear the financial responsibility for the local match requirement for the portion of the county program covered by the contract.

This bill would provide that the local match requirement [to]* be borne by the contracting organization shall not include state or federal funds directly allocated to contracting organizations.

Ch. 653 (AB 3473) Kelley. Telephone corporations

Under existing law, public utilities, including telephone corporations, are subject to the jurisdiction and control of the Public Utilities Commission

This bill would exclude from the definition of telephone corporation, for purposes of regulation by the commission, any hospital, hotel, motel, or similar place of temporary accommodation owning or operating message switching or billing equipment solely for the purpose of reselling services provided by a telephone corporation to its patients or guests.

Ch. 654 (AB 3743) Costa. Agricultural marketing: raisins.

Under existing law, the California Marketing Act of 1937 provides for a system of marketing orders and marketing agreements which prescribe rules and regulations that govern the processing, distributing, or handling in any manner of any commodity within the state during any specified period. The Director of Food and Agriculture is required to appoint an advisory board with a specified membership to assist in the administration

of the marketing order. Existing law also authorizes the formation of cooperative bargaining associations. These are farmer associations organized as nonprofit cooperative associations for the purpose of group bargaining between the association's producer members and the first handler or processor with respect to the sale of any agricultural commodity except milk, cotton, or cottonseed.

This bill would require the director to appoint a person to represent cooperative bargaining associations to the advisory board created under a marketing order or agreement involving raisin producers

Ch. 655 (AB 3529) Mountjoy Driving offenses. revocation of drivers' licenses: habitual traffic offender

(1) Under existing law, the Department of Motor Vehicles is required to revoke a person's privilege to drive a motor vehicle if the person is convicted of vehicular manslaughter, convicted of failure to stop and render assistance or giving specified information in an accident resulting in injury or death to any person, convicted 3 or more times within a 12-month period of reckless driving or reckless driving causing bodily injury or failure to stop and give specified information in an accident resulting in property damage, or convicted of any felony in the commission of which a motor vehicle is used, except as specified. The privilege may not be renewed until 1 year after the date of revocation and until the person gives proof of ability to respond in damages, as specified

This bill would prohibit the department from renewing a person's privilege to drive a motor vehicle until 3 years after the date of revocation and until proof of ability to respond in damages is established in situations where the person is convicted of vehicular manslaughter, convicted 3 or more times within a 12-month period of failure to stop and render assistance or give specified information in an accident resulting in property damage or in injury or death to any person, reckless driving, or reckless driving causing bodily injury and would make a conforming change

The bill would also prohibit the department from renewing a person's privilege to drive a motor vehicle until 1 year after the date of revocation and until proof of ability to respond in damages is established if the person is convicted of reckless driving causing bodily injury.

(2) The bill would designate a person who accumulates a driving record history, as defined, which results from driving while his or her driving privilege has been suspended or revoked as a habitual traffic offender. The Department of Motor Vehicles, upon determining that a person is a habitual traffic offender, would be required to notify the appropriate district attorney, who then would notify the department of whether or not he or she will prosecute the person for being a habitual traffic offender

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 656 (AB 3584) Harris. Voter registration· cancellation.

Existing law requires a county clerk, under prescribed conditions, to cancel the registration of a voter if a voter fails to vote at the previous direct primary election or previous statewide election, whichever is later, and the clerk receives an address correction notice, indicating that such voter no longer resides in the county or has moved and left no forwarding address.

However, existing law authorizes county clerks to utilize a different procedure, rather than the above, for purposes of canceling persons' affidavits of registration. Generally, under such alternative procedure, county clerks are required to mail to each registered voter of the county a preelection residency confirmation card prior to the direct primary election. It prescribes the actions, including, but not limited to, the cancellation of affidavits of registration, that the county clerks must take in connection with such mailings Such alternative procedure also provides for certain mailings to persons who failed to vote at the general election and prescribes the conditions for the cancellation of affidavits of registration of such persons.

This bill would require the county clerk of the County of Alameda, on a pilot project basis, to utilize a third cancellation procedure. Specifically, the bill would require the county clerk, if a voter fails to vote at the previous general election, to mail to the voter at the address shown on the affidavit of registration, a forwardable, prepaid, postcard notice, with a return notice to the clerk Based upon the mailings and responses to the mailings appropriate affidavit changes will be made by the clerk or cancellation of voters' affidavits of registration.

This bill would also provide for a procedure to reinstate erroneously canceled affidavits, as specified.

Existing law requires the Secretary of State to reimburse counties for the costs incurred by them for the cancellation of voters' affidavits of registration, according to a specified formula.

This bill would include reimbursement for cancellation of voters' affidavits in the County of Alameda pursuant to the procedure provided for in the bill.

Ch. 657 (AB 3628) Martinez. Subdividers: improvements: security for performance.

Existing law specifies various forms of security which a city or county may require a subdivider to furnish to guarantee the subdivider's performance of acts required by the city or county as a condition to approval of the subdivision. The types of security which may be required include, generally, (1) bonds, (2) a deposit of money or negotiable bonds, (3) an instrument or letter of credit, (4) a lien upon the real property to be divided, or (5) any form of security, including security interests in real property. Existing law requires any written contract or security interest in real property entered into as security for performance to be recorded

This bill would eliminate the requirement of recording those contracts or security interests in real property described in (1), (2), and (3), above, but would retain the requirement of recording those described in (4) and (5), above.

Ch. 658 (AB 3694) Bates. Public contracts: advance payments to nonprofit agencies.

Existing law authorizes specified state departments to advance funds, in the amount and manner specified, to certain community-based private nonprofit agencies which enter into contracts for services with such departments. That provision has a termination date of January 1, 1983.

This bill would extend similar authority to counties, and would delete the existing termination date.

Ch. 659 (AB 3733) Bates. Counties: boards of supervisors. discharge of officers and employees from accountability.

Existing law authorizes, and prescribes procedures for, a county board of supervisors to discharge county officers and employees and officers of a judicial district having responsibility for the collection of assessments, penalties, costs, license fees and money owing to the county, from accountability for the collection of amounts too small to justify the cost of collection.

This bill would revise the procedures for securing a discharge from accountability, and would make the procedure applicable to cases in which the likelihood of collection does not warrant the expense involved, or where the amount involved has been otherwise lawfully compromised or adjusted

Ch. 660 (AB 3742) Floyd. Property taxation. assessment protests.

Existing law relating to property taxation requires that the protesting party in an assessment protest be informed that the county board of equalization is bound by the recommendation on the assessment protest of the assessment hearing officer.

This bill would, as an alternative in counties adopting the procedure, require that the protesting party be informed that the county board of equalization is not bound by the recommendation of the assessment hearing officer and that the protesting party is entitled to a full hearing before the county board of equalization or the assessment appeals board.

Existing law also requires that the county board of equalization or assessment appeals

board establish the assessed value for the property at the value recommended by the assessment hearing officer.

This bill would, as an alternative, permit the protesting party to request the county board or the assessment appeals board to accept the recommendation of the hearing officer. The county board or assessment appeals board would be required to accept the recommendation and change the assessed value in accordance with specified provisions or reject the recommendation and set the application for reduction for hearing. This bill would also provide, as an alternative, that if a request is not filed by the protesting party, the party may, within a specified time following the mailing of the assessment hearing officer's report and recommendation, make application for a hearing before the county board.

This bill would provide that its provisions shall be applicable in each county in which the board of supervisors by resolution adopts those provisions.

Ch. 661 (AB 1214) Lehman. Fresno Metropolitan Flood Control District

(1) Under existing law, the Fresno Metropolitan Flood Control District, which is created and governed as a special district under the Fresno Metropolitan Flood Control Act, is governed by a board of directors consisting of the Director of Public Works of the City of Fresno, the Director of Public Works of Fresno County, 4 members appointed by the legislative body of the City of Fresno, and 3 members appointed by the Board of Supervisors of Fresno County.

This bill would provide for the board of directors to consist of 4 members appointed by the legislative body of the City of Fresno, 2 members appointed by the Board of Supervisors of Fresno County, and 1 member appointed by the legislative body of the City of Clovis, none of whom shall be public officials, as defined. The bill would make related changes. The bill would increase the compensation of the members of the board from $10 per day to not to exceed $50 per day, subject to specified limitations.

(2) Under existing law, the district is vested with prescribed powers, including the control and conservation of flood, storm, and waste waters.

This bill would authorize the district to acquire and use the rights to surface and groundwaters and to levy fees and charges for the services, supplies, or material provided by the district. The bill would generally increase from $2,000 to $5,000 the amount above which contracts are required to be put to competitive bid, and would permit contracts to be let by the board without competitive bidding under specified circumstances. The bill would authorize the district to borrow money and incur indebtedness, subject to prescribed limitations, to construct, repair, operate, or maintain improvements required as a result of declared emergencies or disasters. The bill would revise provisions governing other powers and duties vested in the district.

(3) Existing provisions of the act provide for the annual levy of an assessment tax upon taxable real property in the district for the purpose of providing funds for the district and for raising the amount required for payment of the principal and interest of bonds.

This bill would expressly include within the powers of the district the power to levy, or cause to be levied, assessments or benefit assessments as provided by the Water Code, the Revenue and Taxation Code, the Government Code, or the Streets and Highways Code.

(4) Under existing law, any tract of land which is benefited may be annexed to the district, or if not benefited, may be excluded from the district, in accordance with prescribed procedures

This bill would revise the procedures governing the annexation or exclusion of land and would make related changes The bill would require a majority, rather than a 25%, protest before the board is required to call an election within the annexed or excluded area.

(5) Under existing law, the board, in accordance with prescribed procedures, may establish zones within the district and institute zone projects for the specific benefit of the zones.

This bill would revise procedures for establishment of zones, and would authorize the board to levy assessments, benefit assessments, or taxes, as provided in the act, or incur bonded indebtedness secured by revenue derived from those assessments, benefit assessments, or taxes, to pay the cost, including operation and maintenance costs, of any

work or improvement within the zone.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 662 (AB 2545) Imbrecht. Nonprofit corporations.

Under the existing General Corporation Law, a corporation and any of its subsidiaries are prohibited from making any distribution to the corporation's shareholders except upon meeting specified asset requirements.

This bill would revise these requirements with respect to a distribution to shareholders in payment of an obligation incurred by the corporation in connection with the purchase of its shares, as specified.

Existing provisions of the Nonprofit Public Benefit Corporation Law, the Nonprofit Mutual Benefit Corporation Law, and the Nonprofit Religious Corporation Law, regulate the activities of nonprofit corporations which are formed for public or charitable purposes, those which are formed for any lawful purpose whose assets are not dedicated to charitable, religious, or public purposes, and those which are formed primarily or exclusively for religious purposes, respectively

This bill would revise various provisions of these laws, relating to, among other things, amendment of the articles of incorporation and the bylaws, election of directors by written ballot, voting requirements, the removal of corporate directors, membership lists, the loan of money to corporate directors and officers, and membership in a mutual water company

Existing law requires each corporation sole to file a copy of its articles of incorporation and a copy of any amendment to the articles, in the office of the county clerk of the county in which the corporation has its principal office.

This bill would eliminate these requirements.

The bill would also eliminate the requirement that a copy of the declaration of dissolution of a corporation sole be filed in the office of the county clerk of the county in which the corporation has its principal office.

Ch. 663 (AB 3029) Vicencia Escrow agents and joint control agents.

Existing law requires every person who is in business as a joint control agent to comply with the requirements of the Escrow Law.

This bill would make various changes in order to make the application of the Escrow Law to joint control agents explicit.

Existing law specifies the fees and assessments which the Commissioner of Corporations shall charge and collect from escrow agents for the costs incurred in licensure procedures and in the administration of the Escrow Law, as specified.

This bill would increase the fee for filing an application for an escrow agent's license from $200 to $625 for the first office or location and from $100 to $425 for each additional office or location. The bill would also require the payment of $50 for investigation services in connection with each application for qualification of a person with responsible escrow agent or joint control agent experience, as specified

This bill would make various changes to the Escrow Law relating to, among other things, the content of an application for a license as an escrow agent, the licensure procedure to be followed by the Commissioner of Corporations, and the establishment of additional business office locations.

Under existing law, the Commissioner of Corporations may order the discontinuance of the disbursement or receipt of trust funds, or other business operations of an escrow agent, if he or she finds that the person is insolvent, is conducting an escrow business in a manner which is hazardous to the public or to customers, has failed to maintain its liquid assets in excess of current liabilities, or has failed to meet bonding requirements, as specified.

This bill would permit the person who is subject to such an order to request an administrative hearing within 10 days from the date of the order. The bill also provides

that neither the request for an administrative hearing nor the hearing itself will stay the commissioner's order to discontinue the operations of an escrow business.

Existing law provides that the procedural rules relating to the means of production of evidence out of court apply to any examination, investigation or hearing provided for in the Escrow Law.

This bill would repeal these provisions.

This bill would also provide that the Commissioner of Corporations may make investigations which he or she deems necessary to determine whether any person has violated or is about to violate the Escrow Law and would set forth the powers of the commissioner with respect to, among other things, obtaining documentary evidence and compelling testimony.

Ch. 664 (AB 3114) Moore. Vehicles.

(1) Existing law, generally, requires exhaust emission inspections of specified motor vehicles under certain circumstances. These provisions are applicable to a motor vehicle previously registered in another state upon initial registration subsequent to January 1, 1979.

This bill would specify that the above provisions are applicable to a motor vehicle previously registered outside this state upon registration in this state.

(2) Existing provisions of law which impose a tax on the sale of a vehicle, provide various exemptions, including a sale when the person selling the vehicle is the parent, grandparent, child or spouse of the purchaser.

This bill would also specifically exclude a sale by a grandchild of the purchaser.

(3) Under existing provisions of law, the Department of Motor Vehicles requires, upon transfer of ownership and registration of a motor vehicle subject to provisions of the Health and Safety Code relating to motor vehicle air pollution emissions standards, a valid certificate of compliance indicating that the vehicle is equipped as required by law. Under existing law, there are various exceptions to this requirement, including an exception if the transferor of the vehicle is the parent, grandparent, child, or spouse of the transferee.

This bill would also specifically exempt a transfer by a grandchild of the transferee

(4) Existing law provides that every registration or transfer fee, and any penalty added thereto, from the date they become due, constitute a lien upon the vehicle for which they are due. Existing law also provides for the enforcement of these liens through seizure and sale of the vehicle.

This bill would repeal the above provisions and add new provisions regarding vehicle liens. In addition to recasting provisions of existing law, the bill would make the following changes:

(a) Specify those fees, taxes, and bail which are required to be paid upon registration of a vehicle which constitute a lien on the vehicle

(b) Allow the department to collect the lien plus costs not to exceed $250 (rather than $200 under existing law).

(c) Provide for notice and hearing prior to the seizure, except under specified circumstances.

(d) Specify how, upon appropriation therefor by the Legislature, proceeds of any sale shall be distributed or used by the department.

(e) Require all use taxes, interest, and penalties due on a vehicle which constitute a lien thereon to be transmitted as specified to the Board of Equalization by the department 60 days after collection.

(5) Existing law specifically requires the sale by a lienholder of a vehicle valued at $100 or less to satisfy a lien to be made to a licensed dismantler or scrap iron processor, and requires the lienholder to forward to the Department of Motor Vehicles specified forms and information after the sale.

This bill would instead require the lienholder to forward the specified forms and information to the licensed dismantler or scrap iron processor.

Ch. 665 (AB 755) Imbrecht. Taxation of vessels.

Under existing law, undocumented vessels using the waters of this state are required to be registered and currently numbered, and the retail sale of those vessels generally is subject to tax under the Sales and Use Tax Law.

This bill would provide that when an undocumented vessel required to be registered under the Vehicle Code is sold at retail by other than a person holding a seller's permit and regularly engaged in the business of selling vessels, the retailer is not required or authorized to collect the use tax from the purchaser, but the purchaser of the vessel must pay the use tax to the Department of Motor Vehicles It would also require the Department of Motor Vehicles to withhold the certificate of number or the transfer of registration of any vessel sold at retail, in the manner described in the preceding sentence, until the applicant pays the required use tax and penalty, if any, to the department

This bill would also provide that, if the ownership of an undocumented vessel changes and the transfer fee is not paid within 30 days after it becomes due, a penalty shall be assessed

The bill would authorize any licensed yacht and ship broker acting as agent of the department to collect use tax on a vessel transfer or submit a registration application and fees to the department for collection of use tax due

Ch 666 (AB 2473) Moore. Subpoenas: consumer records

Under existing law, a person who subpoenas personal records of a consumer must generally give constructive notice to the consumer of the subpoena. A consumer whose personal records are sought may make a motion to quash or modify the subpoena

Existing law defines personal records as certain books, documents, or things pertaining to a consumer which are maintained by any witness which is a physician, hospital, bank, savings and loan association, credit union, trust company, insurance company, attorney or accountant.

This bill would include within the definition of personal records, certain books, documents, or writings pertaining to a consumer which are maintained by any witness which is a security brokerage firm, underwritten title company, institution of the Farm Credit System or a telephone corporation which is a public utility, as specified.

This bill would also revise provisions relating to giving notice to the consumer Among other things, it would specify that the subpoenaing party shall serve a copy of the subpoena duces tecum and related documents on the consumer, service to be made not less than 10 days prior to the date for production, as specified. Instead of providing for proof of compliance by a certificate of the subpoenaing party or his or her attorney, this bill would require that a proof of service upon the consumer or the consumer's authorization for release be served upon the witness.

The bill would also specify that a subpoena duces tecum for the production of personal records shall be served in sufficient time to locate and produce the records or copies.

The bill would require that a consumer who brings a motion to quash or modify the subpoena shall give notice of the motion to the witness prior to production

The bill would make various related changes.

Ch 667 (AB 3373) Thurman Motor vehicle fuel. posting discount price

Under existing law, it is a misdemeanor for a person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in this state to post or display a sign using the expression "discount" of a given amount, such as "5¢ discount," or words of similar meaning indicating a reduced price, unless there is posted and displayed in letters and numerals of at least equal size and as part of the same sign, the total price, or prices per gallon or liter, including all taxes from which such reduction will be made, the reduction given and the total net price per gallon, including all taxes, at which gasoline or other motor vehicle fuel is being sold or offered for sale. Words in letters at least ⅓ the size of the numerals indicating the prices are required to be used to explain the reduced price, the amount of reduction, and the price from which the reduction is made.

This bill would provide that notwithstanding the law relating to weights and measures, including the above provision, a person offering for sale or selling any gasoline or motor vehicle fuel from any place of business in this state may post, as an attachment to an existing price sign, a sign or statement which uses the expression "cash discount" of a given amount, such as "less 5 cents per gallon cash discount," provided that that person also posts and displays and makes available certain information regarding the discount, as specified.

The bill would also provide that no criminal penalty shall be imposed on any person

who posts a sign or statement authorized by the bill on and after January 1, 1982, and before the effective date of the bill.

Existing law provides that specified provisions relating to the posting of octane numbers shall not be operative unless and until the Federal Trade Commission or any federal governmental agency adopts regulations relating to posting of octane numbers, in which case the specified provisions shall become operative at the time designated in the regulations.

This bill would repeal this provision of law, which designates the time at which specified provisions relating to the posting of octane numbers shall be operative.

This bill would make additional changes to Section 13531.5 of the Business and Professions Code, proposed by SB 1341, if both bills are chaptered and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 668 (SB 1568) Campbell. Costs of fire protection and rescue and paramedic services

Existing law generally provides that any person who negligently, or in violation of the law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by that person to escape onto any forest, range, or nonresidential grass-covered land is liable for the expense of fighting that fire.

This bill would make that person liable, instead, for the cost of suppressing a fire that escapes onto any public or private property and would, in addition, make that person liable for the cost of providing rescue and emergency medical services.

Ch. 669 (SB 1599) Stiern. Motor vehicles: Vehicle Code violations: misdemeanors.

Under existing law, a person charged with a misdemeanor violation of the Vehicle Code, and required to appear before a justice court judge who is not at the county seat of the county where the violation is alleged to have been committed, has the right to require a transfer of the case to the county seat, upon the filing of an affidavit which includes specified statements.

This bill would repeal this provision.

Ch. 670 (SB 1904) Davis. Crimes: career criminals.

Existing law provides for a Career Criminal Prosecution Program, whereby the executive director of the Office of Criminal Justice Planning allocates funds to counties in which career criminal prosecution units are established to provide enhanced prosecution procedures for persons under arrest for specified offenses who suffered previous convictions or were charged with multiple offenses, as specified.

This bill would revise the offenses subject to prosecution as career criminal cases.

Ch. 671 (SB 1743) Holmdahl. Criminal actions

Existing law provides that if a criminal action is dismissed by the magistrate pursuant to various provisions, the prosecutor may make a motion in the superior court to compel the magistrate to reinstate the complaint or a portion thereof.

This bill would revise those provisions.

It would provide that they apply to dismissals after a demurrer is sustained or because of certain previous dismissals and dismissals for lack of timely prosecution.

It would specify that they apply where a portion of an action is dismissed which may not be charged by information charging offenses named in the order of commitment or shown by the evidence taken before the magistrate.

It would require the motion to be made within 15 days after the dismissal rather than within 10 days.

It would provide that the superior court shall rule without attempting to reconcile

conflicts or judge the credibility of the witnesses, and that only express findings of fact by the magistrate shall affect the superior court's review of the evidence.

The bill would provide that if the superior court orders the magistrate to issue an order of commitment, the defendant may waive the right of commitment, but may seek review, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 672 (SB 1310) Johnson Fish and game violations: juveniles.

(1) Under existing law, the judge before whom any person is tried for a violation of the Fish and Game Code may, upon the conviction of the accused, order the forfeiture of any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia and which was used in committing the offense charged

Under existing law, a minor who is found to have violated a section of the Fish and Game Code is subject to specified actions not including forfeiture of the device or apparatus used in committing the violation charged

This bill would add forfeiture of the device or apparatus used in committing the violation charged to those actions which may be taken against a minor who is found to have violated the Fish and Game Code.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 673 (SB 1321) Presley. Fees and taxes for county criminal justice facilities

(a) Existing statutory law authorizes a city, county, city and county, district, public authority, or other political subdivision of the state, subject to local voter approval by a ⅔ vote, to assess a standby or availability charge, or levy a special tax, against real property within its jurisdiction, for the cost to the local agency of providing police protection or fire protection services, or both

This bill would, for the purpose of such existing statutory authorization, include within the meaning of "police protection services," defined county criminal justice facilities.

(b) The existing statutory authorization described above terminates June 30, 1983.

This bill would delete the termination date.

(c) This bill would take effect immediately as an urgency statute.

Ch. 674 (SB 1611) Montoya Common carriers: joint agreements.

Existing law permits certain common carriers to apply to the Public Utilities Commission for approval of agreements relating to rates, fares, classifications, divisions, allowances, or charges, or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation, or establishment thereof, and prohibits the commission from approving any such agreement for the pooling or division of traffic, service, or earnings.

This bill would permit the commission to approve an agreement for the pooling or division of traffic, service, or earnings if it finds that it will be in the interest of better service to the public or economy of operation resulting in efficient use of fuel and will not unduly restrain competition

Ch 675 (SB 1907) Johnson. Lake Tahoe Basin transportation services.

Existing law provides for the regulation of charter-party carriers of passengers by the Public Utilities Commission and the operation of these carriers pursuant to a certificate of public convenience and necessity or a permit issued by the commission.

This bill would remove from the commission's jurisdiction pursuant to these provisions transportation services rendered solely within the Lake Tahoe Basin, as specified, where the operator of such services has obtained any permit required from the Tahoe Basin Transportation Authority or the City of South Lake Tahoe, or both.

Ch 676 (SB 1911) A Garcia. Licensing agencies in the Department of Consumer Affairs

Existing law prescribes the membership of the various boards, bureaus, and committees within the Department of Consumer Affairs.

This bill would, with respect to those boards, bureaus, and committees having public members, provide that one be appointed by the Senate Rules Committee and one be appointed by the Speaker of the Assembly, and that their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

Ch 677 (SB 1818) Rains. Courts Santa Barbara County.

Existing law specifies the assignment, fees and compensation of court reporters and the number, classification, and compensation of municipal court personnel in Santa Barbara County.

This bill would revise the assignment, fees, and compensation of court reporters and the number, classification, and compensation of municipal court personnel in Santa Barbara County

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 678 (AB 2667) Wray. School districts· community college districts· boundary maps· school district reorganization

(1) Existing law specifies that whenever a school district or community college district is divided for governing board purposes into wards, supervisorial districts, or trustee areas, the county superintendent of schools is required to prepare and keep in his or her office a map showing the boundaries of the subdivisions of all of the districts under his or her jurisdiction

This bill would specify that whenever a proposal to initiate a change in trustee area boundaries is submitted by a district governing board and approved by a county committee on school district organization pursuant to specified provisions of existing law, the costs of preparing, developing, and duplicating the maps shall be borne by the district

(2) Existing law specifies that when the territory is taken from one district and annexed to, or included in, another district or a new district by any procedure and the area transferred contains public school buildings or property, the territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was formerly a part and shall automatically assume its proportionate share of the bonded indebtedness of any district of which it becomes a part.

This bill would specify that notwithstanding specified provisions of existing law, an election to be held in the Seal Beach School District on November 2, 1982, for the annexation of that district to the Los Alamitos Unified School District may provide, pursuant to an approved plan for annexation, that the respective territories affected shall remain liable only for the school district bonded indebtedness for which they were liable prior to the effective date of the annexation.

Ch 679 (AB 3685) Young. Community antenna television· rate regulation

(1) Under existing law, the governing body of a city or county or city and county may authorize by franchise or license the construction of a community antenna television system. The law presently imposes maximum limitations on the amounts of fees for the granting of such franchise or license and permits the award of a franchise to be made on the basis of, among other things, the rates to the subscriber.

Under existing law, a cable television system franchisee which meets specified conditions may elect to be exempt from regulation of subscriber rates by the franchisor, or, if other specified conditions are met, may unilaterally adjust its rates by a prescribed amount.

This bill would revise those conditions, the existence of which enable a franchisee to elect to be exempt from local rate regulation or to unilaterally adjust its rates.

The bill would declare the state's preemption of the control of subscriber rates,

charges, or rate structures by a franchisor.

This bill would prohibit either party to a franchise or prospective franchise from requesting or demanding a waiver, proposing, or agreeing to waive, any right of the cable television system franchisee.

This bill would also prescribe remedies and procedures, including judicial determination, for resolving a franchisor's disputed allegations that a cable television franchisee which elects to be exempt from rate regulation or to unilaterally adjust its rates, failed to meet statutorily prescribed criteria for rate deregulation, or was not in substantial compliance with material provisions of the franchise.

The bill would define and redefine various statutory terms relative to cable television.

(2) The existing law under which a cable television franchisee may, upon the existence of certain conditions, elect to be exempt from rate regulation or may adjust its rates within prescribed limits, terminates January 1, 1984.

This bill would extend the termination date of such provisions to January 1, 1991.

(3) Existing law authorizes the Director of Consumer Affairs to commence legal proceedings to enjoin certain acts that damage the interests of consumers, or which are in violation of law.

This bill would specifically authorize the director to exercise that authority in acting upon the complaints of cable television subscribers.

(4) The bill would make various legislative findings and declarations, delete various obsolete provisions, and would designate the bill's provisions as the California Cable Television Development Act.

Ch. 680 (SB 307) Dills. Public retirement systems: additional service credit.

Existing provisions of the State Teachers' Retirement Law and the Public Employees' Retirement Law generally limit receipt of service credit to time actually served in the performance of duties

This bill would permit members of the State Teachers' Retirement System who are state employees and state and university members of the Public Employees' Retirement System to receive an additional 2 years of service credit, under specified conditions, if the Governor determines, by executive order, that the best interests of the state or the university would be served by encouraging the retirement of state and university employees.

The bill would take effect immediately as an urgency statute.

Ch. 681 (AB 1168) Young Transportation: rail services: California Transportation Commission. state highway routes.

(1) Under existing law, any reference in any law or regulation to the California Highway Commission or the California Toll Bridge Authority is deemed to refer to the California Transportation Commission and any reference in any law or regulation to the Department of Public Works is deemed to refer to the Department of Transportation. The department is required to submit various reports to the Legislature and the commission.

This bill would correct references to the California Transportation Commission and the Department of Transportation in various codes. It would revise provisions on preparation and submission of reports by the department It would delete obsolete provisions and would make related changes.

(2) Under existing law, the Department of Transportation may enter into contracts with the National Rail Passenger Corporation to provide commuter and intercity passenger rail services and with railroad corporation for the use of tracks and other facilities and the provision of passenger services. The department may also purchase and lease rail passenger cars and other specified rolling stock, and track lines and enter specified contracts for the design, improvement, or construction of track lines and related facilities.

This bill would, notwithstanding that existing law, restrict the expenditure of state funds for construction of new stations not receiving rail service and the added operating costs of state supported trains stopping at those new stations on any route, as specified. The bill would also specify priority for construction of the new stations and initiation of rail service to the new stations.

(3) Existing law provides for appointment of the members of the California Transpor-

tation Commission, 9 of whom are appointed by the Governor with the advice and consent of the Senate.

This bill would, notwithstanding any other provision of law, permit the Governor to appoint a member of the board of supervisors of a county in which there is a county transportation commission, which supervisor is not a member of that county transportation commission.

(4) Existing law describes and specifies the route number designation and descriptions of routes in the state highway system, the California freeway and expressway system, and the state scenic highway systems.

This bill would make various changes in the route number designations in the state highway systems.

(4) The bill would provide that any other act enacted by the Legislature during the 1982 portion of the 1981–82 Regular Session would prevail over this act with respect to section conflicts.

Ch 682 (AB 997) Robinson. Talent agencies.

Existing law defines a talent agency, for purposes of provisions requiring the Labor Commissioner to license and regulate talent agencies, as a person or corporation who engages in the occupation of procuring, offering, promising, or attempting to procure employment or engagement for an artist or artists.

This bill would, in addition, provide that until January 1, 1985, the activities of procuring, offering, or promising to procure recording contracts for an artist or artists shall not of itself subject a person or corporation to regulation and licensing under these provisions.

This bill would also provide, until January 1, 1985, that no action or proceeding may be prosecuted under these provisions with respect to violations occurring more than 1 year prior to commencement of the action or proceeding, and that it shall not be unlawful for a person or corporation who is not licensed as a talent agency to act in conjunction with, and at the request of, a duly licensed and franchised talent agency in the negotiation of an employment contract.

Existing law provides that any person who violates any provision of the law requiring the Labor Commissioner to license and regulate talent agencies is guilty of a misdemeanor.

This bill would repeal this provision.

This bill would also create the California Entertainment Commission of 10 members to study the laws and practices of this state, the State of New York, and other entertainment capitals of the United States relating to the licensing of agents and representatives of artists in the entertainment industry in general, and the recording industry in particular, so as to enable the commission to recommend to the Legislature a model bill regarding this licensing.

This bill would require the commission to report to the Legislature and the Governor not later than October 1, 1984, and would repeal the provisions creating the commission on January 1, 1985.

Ch. 683 (SB 1479) Alquist. New state office building—Van Nuys. land acquisition —appropriation.

This bill would appropriate $350,000 from the Special Account for Capital Outlay in the General Fund for allocation to the Department of General Services for expenditure to acquire land in Van Nuys for a new state office building, as specified.

This bill would appropriate $345,000 to the State Department of Forestry from the Environmental License Plate Fund for testing fire suppression equipment, to become operative only if SB 1408 is chaptered.

This bill would take effect immediately as an urgency statute

Ch. 684 (AB 2519) Moore. Taxation. insurers

Existing statutory law provides for the imposition of various taxes upon insurers which are consistent with specific constitutional provisions governing those taxes The State Board of Equalization has specified responsibilities in connection with the assessment of those taxes.

This bill would authorize the State Board of Equalization, the Insurance Commission-

er, and the Controller to prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of those taxes for which the agency has a constitutional or statutory responsibility.

Ch. 685 (AB 2396) Moorhead Board of Medical Quality Assurance

Existing law authorizes the Board of Medical Quality Assurance to charge each applicant for a physician's and surgeon's certificate an application fee in an amount not to exceed $100 or less than $15, and except for $10, the application fee is refundable to an applicant who does not complete the examination.

This bill would increase the minimum amount for the application fee to $25 and permits the board to charge an additional examination fee, which is not to exceed the cost of purchase and administration of the examination, but in no event is the fee to exceed $200. The bill would authorize the board to require applicants to remit the examination fee directly to the organization furnishing examination materials, as specified. The bill also provides that only this examination fee is refundable to an applicant who does not complete the examination

This bill would take effect immediately as an urgency statute

Ch 686 (AB 2412) Herger. Implements of husbandry. width and height. exception.

(1) Existing law limits the height of vehicles generally to 13 feet 6 inches and loads on vehicles to 14 feet and limits the width of vehicles to 96 inches and loads on vehicles to 100 inches. Implements of husbandry, when incidentally moved or operated over a highway, are exempt from any height restriction and are exempt from width limitations if not moved over 25 miles from the point of origin of the trip.

This bill would require the operator, which would be required to be a farmer or employee of a farmer or farm corporation, of any vehicle transporting implements of husbandry in excess of width or height limits to have in his or her immediate possession a writing signed by the farmer or farm corporation agent which states the origin and destination of the trip. The bill would also limit applicability of the height exemption to implements of husbandry not moved over a highway in excess of 25 miles from the point of origin of the trip.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 687 (AB 2381) Lockyer State highways: freeways: noise attenuation barriers.

Under existing law, the Department of Transportation is required to develop and implement a priority system for ranking the need for installation of noise attenuation barriers along freeways in the California freeway and expressway system and, consistent with available funding, to begin a program of construction of noise attenuation barriers.

This bill would direct the department, in establishing a priority system, to give highest consideration to residential areas which were developed prior to the opening of the freeway, and would specify other criteria for determining priorities. The bill would specify that the completion date of an alteration on the freeway shall be deemed to be the opening date of that segment of the freeway, if the alterations result in a significant and measurable increase in ambient noise levels.

Ch. 688 (AB 2387) Hannigan. Recycling.

Existing law, among other provisions, requires all state agencies, and authorizes all local public agencies, to give preference to suppliers of recycled paper products whose bids do not exceed by more than 5% those of the suppliers of nonrecycled paper products. The provision expires on December 31, 1982.

This bill would eliminate the provisions for expiration of the existing law.

Ch. 689 (AB 1775) Johnston. Schools joint use

Existing law authorizes a school district to enter into a lease or agreement, as specified, for the joint or sole occupancy of the real property and buildings of the district, provided, among other things, that no occupancy occur during normal school hours.

Current law also declares the legislative intent to authorize school districts to make vacant classrooms in operating schools available for rent or lease to various groups, including commercial businesses, under specified procedures.

This bill would repeal those provisions and would, instead, authorize a school district to make vacant classrooms or other space in operating schools available for rent or lease to various groups and entities, including commercial businesses and during normal school hours. This bill would prohibit the term of any agreement from exceeding 5 years, except for agreements under or pursuant to which capital outlay improvements are made on school property for park and recreation purposes by public entities and nonprofit corporations.

This bill would also limit the amount of classroom space leased to 45% of the total classroom space of the school site during normal school hours and to 30% of the total districtwide classroom space during normal school hours, except as provided.

This bill would prohibit any agreement to rent or lease to be for less than fair market rental for comparable facilities, except as specified to public entities.

This bill would apply only to leases entered into after January 1, 1983.

This bill would also make technical, nonsubstantive changes.

The provisions of this bill would be repealed on December 31, 1986

Ch. 690 (AB 1423) Bergeson. Property taxation. refunds.

Existing law requires counties and cities to pay interest at a specified rate on amounts refunded for particular overpayments of property taxes and provides that the interest shall be computed from whichever of 3 periods provides the longest period. One of those periods is the period which commences with a date preceding by 30 days the date of paying the refund.

This bill would delete that period and substitute therefor the period from the date of the payment of the tax on property subject to a refund as a result of an assessor error in assessing the property to a date 15 days after the date of approval of the correction to the tax roll.

Ch. 691 (AB 2816) McAlister Credit unions.

Existing law provides that every credit union shall have a credit committee whose function is to approve loans or extensions of credit by the credit union

This bill would provide that the board of directors of a credit union may establish the position of a credit manager who would have general supervision of all loans to members, in lieu of establishing a credit committee.

The bill would make various related changes with regard to the authority, responsibility, and function of the credit manager. The bill would also impose criminal penalties, and provide for civil liability, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 692 (AB 2775) Torres. Developmental disabilities: service rates and standards.

Existing law defines "developmental disability" and "services for persons with developmental disabilities." Under existing law, there is a State Council on Developmental Disabilities with specified duties.

This bill would require the State Council on Developmental Disabilities to conduct a study to determine the most feasible methods of establishing and enforcing quality assurance standards and of setting rates based upon these standards, and to submit the results of the study to the Legislature on or before September 1, 1983

Ch 693 (AB 2733) Lewis. Yorba Linda County Water District bonds

Under existing law, an improvement district may be created within a county water district for the purpose of incurring a bonded indebtedness which will benefit only a portion of the district.

This bill would, subject to specified conditions, permit the board of directors of the Yorba Linda County Water District, by a ⅘ majority vote, to thereafter exempt part or all of certain territory within an improvement district from liability for payment of principal, interest, and any other amounts which become due on account of any outstanding or then authorized but thereafter issued bonds of the county water district other than bonds issued for the improvement district The bill would specify related matters and make legislative findings and declarations in this connection.

The bill would take effect immediately as an urgency statute.

Ch 694 (AB 2668) Elder. Property taxation.

Existing law requires that a fee of $5 be collected by the tax collector for preparing delinquent tax records and giving notice of delinquencies.

This bill would substitute a $10 fee for the $5 fee

Under existing law, tax collectors are authorized, after publishing notice of intent to do so, to sell and deed tax delinquent property to the state The published notice of intent to deed to the state and a notice of sale to the state are both required to contain specified information.

This bill would require additional information to be disclosed in those notices.

This bill would provide that its provisions would become operative on July 1, 1983

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required for a specified reason.

Ch 695 (AB 2654) Moore Vehicles· registration of fleet vehicles.

Existing law requires the Department of Motor Vehicles to implement a permanent fleet registration pilot program with 9 or more fleets during the period from October 1, 1979, through December 31, 1982, and to submit specified reports to the Legislature.

This bill would require the department to continue the fleet registration program, as prescribed, for fleets of over 500 vehicles. The bill would require the payment of registration fees, as specified, to the department.

Ch 696 (AB 2626) Alatorre. State civil service. adverse action.

Existing law prescribes the procedures to be followed in rejecting a probationary employee during the probationary period. Among other things, it requires notice of rejection to be served on or prior to the effective date of the rejection specified in the notice

This bill would revise the above procedure to require service of the notice of rejection prior to the effective date of the rejection, as defined by rule of the State Personnel Board It would require the notice to be served prior to conclusion of the probationary period and would authorize extension of the probationary period when necessary to provide the full notice period.

Existing case law requires that a civil service employee be accorded certain procedural rights before disciplinary action against him or her becomes effective, including notice of the action, the reasons therefor, a copy of the charges, and a right to respond. It holds the existing statutory provisions setting forth the procedures to be followed as violative of due process rights for failure to accord these protections

This bill would amend existing statutory law to provide, among other things, that adverse action against a civil service employee is valid only if a written notice is served prior to the effective date of the action as defined by board rule, and would require the notice to contain a statement advising the employee of the time for filing an appeal. It would require the notice to be filed with the board not later than 15 days after the effective date of the adverse action This bill would also make various technical changes in these provisions.

Ch 697 (AB 2605) Alatorre. State civil service· reinstatement

Existing law authorizes an appointing power, in his or her discretion, to reinstate to a civil service position, within 3 years, a person having probationary or permanent status who was separated by, among other things, resignation or retirement.

This bill would provide, in addition, that an employee separated from state service by layoff or by resignation in lieu of layoff may be reinstated at the discretion of the appointing power within 5 years or throughout the duration of the employee's reemployment list eligibility, as specified.

Existing provisions of the Public Employees Retirement System Law authorizes, among other things, a retired person to be employed by a state agency, without reinstatement from retirement or interruption of benefits, where the former employing agency finds the service of the person to be necessary for litigation or proceedings before the State Board of Control, or during an emergency to prevent stoppage of public business, or because the person has specialized skills needed for specialized work of limited duration.

Existing law, however, does not specify the classifications in which a retiree may be employed.

This bill would provide that, subject to the above provisions, a retired person may be employed temporarily in a civil service position if the position is in the class in which the person had permanent or temporary status at the time of retirement, or in another class to which the person could have been transferred, reinstated, or demoted at the time of retirement

Ch. 698 (AB 2530) Hughes. School employees.

Under existing law, there is a Commission for Teacher Preparation and Licensing which, among other things, establishes and promulgates standards and procedures for certifying educational personnel as qualified for a license to practice in the public schools

This bill would change the name of the Commission for Teacher Preparation and Licensing to the Commission on Teacher Credentialing

Ch. 699 (AB 2504) Lancaster Fire protection: automatic fire extinguishing systems

(1) Existing state law does not regulate the servicing, testing, or maintenance of automatic fire extinguishing systems.

This bill would require that automatic fire extinguishing systems, including fire sprinkler systems, engineered and preengineered fixed extinguishing systems, standpipe systems, and water flow alarm devices be serviced, tested, and maintained in accordance with regulations and building standards adopted by the State Fire Marshal. The bill would require that tests of automatic sprinkler systems include a test of all supervisory signaling equipment. The bill would prohibit any person from servicing or testing automatic fire extinguishing systems unless licensed to do so by the State Fire Marshal but would expressly except from that licensing requirement, engineers who service or test, or supervise the servicing or testing of, industrial systems, under specified circumstances, and persons who engage in the business of servicing or testing fire alarm devices, water flow alarm devices, or supervisory signaling equipment. The bill would make a violation of the provisions contained in the bill a misdemeanor punishable by a fine of not more than $10,000, by imprisonment for not more than 6 months, or both. The bill would require city or county fire departments and districts which provide fire protection services to enforce these standards in their respective jurisdictions.

The bill would require the State Fire Marshal to adopt a schedule of fees to be paid by licensees in the amount which is necessary to cover the cost of administering and enforcing the provisions of the bill by the State Fire Marshal. The bill would also authorize any city or county fire department providing fire protection service to adopt a schedule of fees to cover the cost of enforcing the provisions of the bill.

The bill would specify that no state agency, county, city and county, or district shall adopt or enforce provisions relating to automatic fire extinguishing systems that are inconsistent with the provisions contained in the bill or the regulations and standards adopted by the State Fire Marshal pursuant to the authority granted by the bill.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch. 700 (AB 2656) Moore Income taxes: bank and corporation taxes.

Under existing law, whenever any person pays to any state agency an amount covering taxes, penalties, interest, license, or other fees, or any other payment, and it is subsequently determined by the state agency responsible for the collection that the amount includes an overpayment of $5 or less, special provisions apply to the disposition of that overpayment.

This bill would make those provisions applicable to an overpayment of $10 or less.

The existing Personal Income Tax Law and Bank and Corporation Tax Law defines the term "deficiency" for purposes of the law relating to deficiency assessments.

This bill would modify that definition with regard to credits subject to carryover.

Under the existing Personal Income Tax Law and the Bank and Corporation Tax Law, if a taxpayer files a protest of a proposed deficiency assessment, the Franchise Tax Board is required to reconsider the assessment.

This bill would expressly authorize the Franchise Tax Board to act on that protest in whole or in part

Existing law establishes the Tax Preparers Act, pursuant to which tax preparers, as defined, are to be regulated by the Division of Consumer Services

This bill would impose civil and criminal penalties upon tax preparers, as separately defined, who endorse or otherwise negotiate any warrant made in respect of the taxes imposed under the Personal Income Tax Law or with respect to assistance claimed under the Senior Citizens Property Tax Assistance and Postponement Law which is issued to a taxpayer other than that preparer.

Under existing Bank and Corporation Tax Law, with respect to banks and financial corporations, taxes are imposed according to, or measured by, net income, at prescribed rates for specific income years, which is in lieu of other specified taxes For income years ending in 1982 and thereafter, local business license taxes are included in the formula prescribed for determining that rate of tax.

This bill would permit the Franchise Tax Board to receive source information listings directly from the cities as to the amount of business license taxes paid and the date of payment for each taxpayer

The existing Personal Income Tax Law and the Bank and Corporation Tax Law allows a depreciation deduction on property used in a trade or business or held for production of income until January 1, 1984.

This bill would reenact those provisions to become operative on January 1, 1984.

The existing Personal Income Tax Law and Bank and Corporation Tax Law authorize until January 1, 1984, a credit of a specified amount for the cost of installing solar energy systems on premises in California which are owned by the taxpayer and also allows until January 1, 1984, as a depreciation deduction, a reasonable allowance for the cost of a solar energy system and allowable conservation measures over a 36-month period.

This bill would make provision for the allowance of that deduction beyond the repeal date of those provisions if the deduction is begun before that date

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 701 (SB 1314) Foran. Teachers' Retirement Board. compensation

Existing law prescribes a payment for each day of attendance at board or committee meetings to specified members of the Teachers' Retirement Board of $50.

This bill would increase the payment for specified members of the Teachers' Retirement Board to $100.

Ch. 702 (AB 3350) Alatorre Limited term appointments.

Existing law provides that a limited term appointment to a civil service position shall not exceed the probationary period for the class to which the person is appointed Probationary periods are generally set at 6 or 12 months.

This bill would provide that a limited term appointment shall not exceed 1 year, except upon authorization of the State Personnel Board, subject to specified conditions, and would authorize the extension of those appointments, without making an additional appointment.

Ch 703 (AB 2826) N. Waters Vehicles· metal studded tires

Existing law permits, until April 1, 1984, the use of metal studded tires between the first day of November and the first day of April.

This bill would authorize, until April 1, 1984, the Commissioner of the California Highway Patrol, after consultation with the Department of Transportation, to extend the period of use of metal studded tires in any area of the state for the protection of the public because of adverse weather conditions.

The bill would also permit emergency vehicles to use metal studded tires throughout the year.

The bill would take effect immediately as an urgency statute

Ch. 704 (AB 2766) Goggin. Civil procedure.

Under existing law, if an action is commenced in a court having subject matter jurisdiction but is not the proper court for venue purposes, the court nonetheless may try the matter unless the defendant files a motion for transfer to the proper court, irrespective of whether the defendant has filed an answer or demurrer. No express provision is made regarding the time a defendant has to file a pleading, if none has been filed, if the motion for transfer is denied

This bill would require the court, if the motion to transfer is denied, to allow the defendant time to move to strike, demur, or otherwise plead if the defendant has not previously filed a response.

Existing law provides that a notice of motion to strike the whole or any part of the complaint may be filed as a pleading, within the time to answer a complaint, but does not specify the grounds upon which it may be based Existing law also authorizes a court, in its discretion, to strike sham and irrelevant answers, and irrelevant and redundant matters.

This bill would provide that a court, upon a motion of a party or upon its own motion may strike from any pleading any irrelevant, false, or improper matter, or any pleading or part thereof not drawn or filed in conformity with the laws of this state, a court rule, or an order of the court This bill would make related and conforming changes.

Ch 705 (AB 2700) Alatorre. Professional immunity· physicians, podiatrists, psychologists and veterinarians

Under existing law, members of certain peer review committees whose purpose is to review the quality of medical or dental services rendered by physicians and surgeons, dentists or dental hygienists are immune from civil liability for certain actions taken by that committee

This bill would include members of peer review committees of podiatrists, psychologists and veterinarians within this provision

Existing law also provides that a physician and surgeon who is a member of an underwriting committee or a person who communicates to such a committee would not be liable for damages for actions taken in evaluating physicians and surgeons for the writing of professional liability insurance, if the actions of the evaluating physician and surgeon are taken as specified

This bill would additionally specify podiatrists as being immune from certain actions taken as members of an underwriting committee, as specified This bill would also provide that a physician and surgeon would not be held liable for any action taken in evaluating a physician and surgeon for the writing of an interindemnity, reciprocal or

interinsurance contract between members of a cooperative corporation whose members consist solely of physicians and surgeons, as specified

Existing law provides that there shall be no monetary liability or cause of action against any person for communicating information, relating to the evaluation of a practitioner in the healing arts, to a hospital staff, professional society, or peer review committee, as specified.

This bill would also protect those communications concerning the evaluation of a veterinary practitioner, as specified.

Existing law prevents the discovery of the proceedings of certain of peer review or evaluation committees, except as provided

This bill would provide that the proceedings of veterinary review committees are also not subject to discovery, except as provided.

Ch 706 (AB 2670) McAlister. Jurisdiction Department of Insurance

There is no specific provision of existing law which generally delineates the jurisdictional powers of the Department of Insurance with respect to certain health insurers.

This bill would provide that any person or other entity, except health care service plans, providing coverage for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, is presumed to be subject to the jurisdiction of the Department of Insurance unless that person or entity shows that it is subject to the jurisdiction of another agency of this or another state or federal government

The bill would also require the department to prepare and maintain for public inspection, without liability for accuracy, a list of those persons or entities providing health coverage subject to the department's jurisdiction. It would also require any production agency licensed by the department which sells or transacts the aforementioned coverage, which coverage is provided by a person or entity which is unable to show that it is subject to the jurisdiction of another agency of this state or any other state or the federal government, as specified, to advise the purchaser, or prospective purchaser, and covered person or entity of the elements of the coverage or the lack thereof It would also require any administrator who advertises or administers the aforementioned coverage where the coverage does not meet all pertinent requirements specified in the Insurance Code and which is not provided or completely underwritten, insured or otherwise fully covered by an admitted life or disability insurer, hospital service plan or health care service plan, to advise and disclose to any purchaser, prospective purchaser, covered person or entity, and any production agency licensed by the department involved in a transaction, all financial and operational information relative to the content and scope of the plan and, specifically, as to the lack of insurance or other coverage. A production agency obtaining that knowledge would be required to advise and disclose it to any purchaser, prospective purchaser, covered person or entity, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 707 (AB 2666) Thurman Fairs. carnival contracts.

(1) Existing law requires the Department of Food and Agriculture to apportion state moneys appropriated for district agricultural association fairs, county fairs, combined county and district fairs, and citrus fruit fairs.

This bill would require all county fairs and citrus fruit fairs, prior to entering into a carnival contract, to follow specified notification and hearing procedures. The bill would require a county fair or citrus fruit fair to submit justification for its action to the department if the fair enters into a carnival contract with a person other than the highest bidder, and would prohibit the fair from entering into a carnival contract for a term which exceeds 3 years without the approval of the department.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other

available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 708 (AB 2619) La Follette. Sales and use tax. exemption.

(1) Existing Sales and Use Tax Law imposes a state sales or use tax on the sale or storage, use, or other consumption in this state of tangible personal property, unless the sale, storage, use, or other consumption is exempted from the tax

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would exempt from state and local sales and use taxes new children's clothing which is sold to a nonprofit organization, as defined, for its distribution without charge to elementary school children

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

(2) Existing law creates a rebuttable presumption that a retailer may add sales tax reimbursement to the sales price of tangible personal property sold at retail

This bill would provide that when an amount represented by a person to a customer as constituting reimbursement for sales and use taxes is computed upon an amount that is not taxable or is in excess of the taxable amount and is actually paid by the customer to the person, the amount so paid shall be returned by the person to the customer upon notification by the Board of Equalization or by the customer that such excess has been ascertained. It would further provide in the event of his or her failure or refusal to do so, the amount so paid, if knowingly or mistakenly computed by the person upon an amount that is not taxable or is in excess of the taxable amount, shall be remitted by that person to this state It also would require those amounts remitted to the state to be credited by the board on any amounts due and payable on the same transaction from the person by whom it was paid to this state and that the balance, if any, constitute an obligation due from the person to this state

(3) This bill would take effect immediately as a tax levy However, the operative date of the provisions in (1) above would depend upon its effective date

Ch. 709 (AB 2592) Johnson Telephones· emergency system service for deaf persons

(1) Existing law requires every local public agency to establish a basic emergency "911" telephone system which is funded by a surcharge on intrastate telephone services which is deposited in the State Emergency Telephone Number Account and paid, upon appropriation, to service suppliers and local agencies for the costs of the systems.

This bill would require every emergency "911" system to include specified telecommunication devices capable of servicing the deaf or severely hearing impaired at the "911" public safety answering point or points

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 710 (AB 2579) Konnyu. Vehicles: traffic congestion.

(1) Existing law authorizes local authorities to adopt ordinances for the local regulation of traffic, limited to specified matters, including, among other things, temporarily closing a portion of any street for parades under specified conditions, regulating or prohibiting processions or assemblages on the highways, and temporarily closing a portion of any street when it is necessary for the safety and protection of persons who are to use that portion during the temporary closing

This bill would authorize the adoption of local ordinances of specified content to regulate cruising and local ordinances to permit peace officers to divert vehicles from a street or highway, or portion thereof, if little or no vehicular flow is occurring and a significant number of vehicles are not promptly moving when an opportunity arises to do so

(2) The bill would state the findings and declarations of the Legislature.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute

Ch 711 (AB 2921) Statham. Real estate loans.

Existing law exempts specified persons and entities from various provisions of the Real Estate Law, including the requirement of licensure as a real estate broker Included within this exemption is a person who makes collections of payments for lenders or on notes of owners in connection with secured real property loans and who is not actively engaged in the business of negotiating such loans or who is not acting as a principal or agent in the sale or exchange of promissory notes secured by liens on real property. The exemption is conditioned upon the person either (1) filing an application with the Real Estate Commissioner and meeting certain bond requirements, (2) making collections on a limited number of loans or in a limited amount, as specified, or (3) becoming licensed as an escrow agent.

This bill would provide instead that the exemption would apply to any person who makes collections of payments for lenders or on notes of owners in connection with secured real property loans, provided that the person is either a licensed escrow agent or makes collections on a limited number of loans or in a limited amount, as specified. The bill would eliminate both the provisions setting forth the requirements for application to the commissioner in order to qualify for this exemption and the penalties for noncompliance.

Existing law does not specifically provide disclosure requirements for an agent of a mortgagee, beneficiary, or owner of a promissory note secured by a mortgage or deed of trust who has undertaken the collection of payments from an obligor under the note, with respect to the filing of a notice of default or the sale of the property pursuant to a power of sale

This bill would require, with certain exceptions, that such an agent mail to each mortgagee, beneficiary, or owner for whom the agent has agreed to make collections from the obligor under the promissory note, written notice of default under the note, default of a superior lien on the property, and the time and place scheduled for the sale of the property pursuant to a power of sale, as specified The bill would also specify that failure to comply with certain notice requirements shall not affect the validity of a sale in favor of a bona fide purchaser or the rights of an encumbrancer for value and without notice.

This bill would incorporate additional changes in Section 10133 1 of the Business and Professions Code, proposed by AB 2591, to be operative only if AB 2591 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch. 712 (AB 2957) Baker In-lieu-filing-fee petitions

Existing law permits a candidate to file an in-lieu-of-filing-fee petition, as permitted by the clerk, signed by a prescribed number of voters rather than submitting filing fees.

This bill would specify that the clerk shall furnish a candidate, if requested by the candidate, with a number of petition forms equal to a quantity which provides the

candidate with spaces for signatures sufficient in number to equal the number of signatures required to be secured on the petition. It would also provide that the clerk may provide a candidate with a master petition form, designed by the Secretary of State, which may be duplicated by the candidate.

Ch. 713 (AB 2941) Bosco County board of supervisors: rewards for ideas or suggestions.

(1) Existing law authorizes the board of supervisors of a county to establish a uniform procedure for the payment of rewards, from county funds, for ideas or suggestions made by members of the public which the board determines, in its discretion, would reasonably result in financial savings to the county.

This bill would specifically authorize the Board of Supervisors of the County of Humboldt to make county employees eligible for the rewards.

This bill would specify that it is declaratory of existing law.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 714 (AB 2938) Konnyu. County social services funds.

Existing law provides that at least 66% of specified federal funds shall be provided to the counties for social services

Existing law further provides that the State Department of Social Services is authorized to reallocate these funds by February 15 of each fiscal year if it is determined that these funds will not be completely utilized.

This bill would eliminate the restriction requiring reallocation of these funds by February 15 of each year and would make other technical changes thereto.

Ch 715 (AB 2935) Konnyu. Public assistance change of county

Existing law requires that when a recipient of public assistance moves to another county, eligibility determinations made by the first county are binding upon the second county if certain conditions are met, and responsibility for payment of aid is transferred as soon as administratively possible but not later than the first day of the month following 60 days after notification

Existing law also provides that the county of residence shall determine eligibility under the Medi-Cal program, which provides health care service to specified categories of low-income persons.

This bill would instead require the first county to notify the second county of the move and make the second county responsible for determining continued eligibility and payment of aid, as well as, to the extent possible, as determined by the Director of Health Services, eligibility for the Medi-Cal program, as soon as administratively possible but no later than the first day of the month following 30 days after the relocation.

The bill would, in addition, require the recipient to notify the county paying aid of his or her move to another county, and to apply for a redetermination of eligibility with the county to which the recipient has moved

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 716 (AB 3033) Lancaster. Credit unions

Existing law provides that the Commissioner of Corporations may notify and require a credit union to cease certain business practices, or temporarily suspend, or entirely cease the transaction of any new business, if the commissioner finds the credit union is

violating provisions of the California Credit Union Law or is insolvent, or is conducting its business in an unsafe or unauthorized manner

This bill would permit the commissioner to take such action if he or she finds any credit union has impaired capital, as defined

Existing law prescribes the conditions under which an officer, director or employee, or person performing similar functions for a credit union may be censured, or suspended, or barred from any position of employment or management of a credit union, by the Commissioner of Corporations.

This bill would provide that the commissioner may take such action where he or she finds that any officer, director, employee, or person performing similar functions for a credit union has been convicted of, or pleaded nolo contendere to, a crime or has been held liable in a civil action by final judgment, when the crime or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property

Existing law does not authorize the Commissioner of Corporations to commence and prosecute actions and proceedings to enjoin violations of the California Credit Union Law or the orders or decisions of the commissioner rendered pursuant to this law, and for the enforcement of any and all civil penalties provided for in this law.

This bill would authorize the commissioner to enjoin these violations and enforce these civil penalties

Existing law provides that if the Commissioner of Corporations finds that a credit union has impaired capital, or is operating in an unsafe manner, or has failed to insure share accounts as required, the commissioner may take possession of the business and assets of the credit union and maintain possession until he or she permits it to continue business, or its affairs are liquidated.

This bill would provide that the commissioner may take such action if he or she finds a credit union is insolvent and would revise various provisions to effect this change.

Existing law provides that any officer, director, member of a committee of a credit union, or loan officer, as specified, is guilty of a misdemeanor if he or she knowingly permits a loan to be made or participates in loan to a nonmember of the credit union.

This bill would extend criminal liability to employees of a credit union and would provide that all of these specified persons would be guilty of a misdemeanor if he or she knowingly permits a loan to be made or participates in a loan which is not made in conformity with the requirements of the California Credit Union Law

The bill would also generally provide for the imposition of criminal penalties for the willful violation of any provision of the California Credit Union Law or any rule or order issued thereunder, as specified.

The bill would also prohibit an officer, director, committee member, or employee of any credit union from admitting an applicant to membership or extending any benefit or service of the credit union to any person unless he or she is qualified for membership according to the credit union's bylaws and upon payment of the required fee or purchase of shares

Existing law permits the Commissioner of Corporations to investigate the affairs of the California Credit Union Share Guaranty Corporation and examine its books, accounts, records and files, at any time

This bill would provide that the corporation is required to pay to the commissioner the cost of such an investigation or examination, as specified, or in the event recovery of these costs cannot be made by the corporation, each member credit union shall pay a proportionate amount of the cost within 30 days of the written demand of the commissioner

The bill would also require the California Credit Union Share Guaranty Corporation to file an audit report and annual report, as specified.

The corporation would also be required to file unaudited financial statements and a special report upon the request of the commissioner.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 717 (AB 2992) Agnos. Disability insurance

Existing law generally provides that an individual is disabled, for purposes of unemployment compensation disability benefits, when he or she is unable to perform his or her regular or customary work because of his or her physical or mental condition An individual is eligible to receive disability benefits while being treated for acute alcoholism or, for a period not in excess of 30 days, while being treated as a resident in an alcoholic recovery home.

This bill would extend disability benefits coverage to individuals while being treated for acute drug-induced illness or, for a period not in excess of 45 days, while being treated in a drug-free residential facility Benefits for individuals in either an alcoholic recovery home or a drug-free residential facility could be provided for an additional 30 days if the referring physician certifies to the need for continuing resident services.

Ch 718 (AB 2959) Baker. Environmental protection program. City of Walnut Creek.

Under existing law, there is the California Environmental Protection Program under which moneys may be appropriated from the California Environmental License Plate Fund to support projects and programs of state and local public entities which have a clearly defined benefit to the people of the state and which have one or more specified purposes relating to the protection or enhancement of the environment

This bill would appropriate $250,000 from the fund to the City of Walnut Creek in support of the Heather Farm Garden Center project.

Ch. 719 (AB 2376) Deddeh. Air quality indoors· mobilehomes· formaldehyde vapors.

(1) Existing law requires the Department of Housing and Community Development to adopt various regulations for the sale, use, inspection, and construction of mobilehomes and requires enforcement agencies, as defined, to enforce those rules and regulations.

This bill would declare the intent of the Legislature that the State Department of Health Services conduct a toxic research and information program related to the development of standards for measuring indoor air quality and the determination of the source of contaminants and would require the State Department of Health Services to make a recommendation to the Legislature and the Department of Housing and Community Development regarding the appropriate level of formaldehyde vapors in new mobilehomes on or before June 15, 1983

The bill would declare the intent of the Legislature that $367,076 appropriated by a specified item in the Budget Act of 1982 be used to fund the program conducted by the State Department of Health Services.

Ch 720 (AB 2349) Statham Community correctional centers

Existing law provides that the Director of Corrections may establish and operate facilities to be known as community correctional centers.

This bill would provide that the director would be required to notify the board of supervisors or city council in whose jurisdiction the center would be located no later than 60 days prior to the award of a contract for a center Failure to provide notice would be grounds for extinguishing the contract upon motion of the board of supervisors or city council

Ch 721 (AB 2187) Frizzelle Vehicles special license plates

Under existing law, the Department of Motor Vehicles issues special numbered license plates to motor vehicles of historic value.

This bill would authorize the department to approve the use by owners of eligible historic motor vehicles, as defined, of California license plates with the date of year corresponding to the model year date when manufactured if the plates are legible and serviceable, as determined by the department, in lieu of license plates otherwise required by the Vehicle Code The bill would authorize the department to consult with an organization of old car hobbyists in determining whether the date of year of the license plate to be used corresponds to the model year date when manufactured

The bill would also require that the vehicle be currently registered at the time of approval and display evidence of current registration. It would impose a fee of $35 for the application to use the special license plates, an additional fee of $10 for renewal of the plates, and a fee of $12 for transfer of the plates to another vehicle

The bill would authorize applications for the use of the model year date license plates to be submitted to the department commencing July 1, 1983 The bill would prohibit the department from approving an application until 2,000 applications have been received, and, if the department does not receive at least 2,000 applications before December 31, 1984, the provisions of the bill would be repealed on January 1, 1985, and no application fees would be refunded

The bill would require the department to submit a report to the Legislature not later than January 1, 1985, on the implementation of these provisions, including whether sufficient applications have been received.

Ch. 722 (AB 1797) Robinson Insurance.

Under existing law, money collected by the Department of Insurance is generally deposited in the General Fund or to the credit of the Insurance Fund to pay authorized refunds, the remainder to be deposited in the General Fund. However, money collected to support the Bureau of Fraudulent Claims is deposited in the Insurance Commissioner's Regulatory Trust Fund

This bill would instead provide for the deposit of money collected by the Department of Insurance to be deposited in the Insurance Fund, which would be appropriated for the support of the Department of Insurance, as specified. However, money received in fines and penalties would be deposited in the General Fund

The bill would authorize the adjustment of fees by the commissioner, however, it would prohibit the commissioner, before July 1, 1986, from increasing any statutory fee by an amount greater than 30% of that in effect on June 30, 1983. It would also provide that where the balance in the Insurance Fund is insufficient, the department may borrow necessary funds on terms and conditions determined by the Director of Finance.

Ch. 723 (AB 1734) Ryan Voters.

(1) Existing law requires the Secretary of State, in consultation with the Controller, to develop a formula for the reimbursement of costs incurred by counties in the undertaking of certain voter registration programs and in the distribution of vote registration cards

This bill would clarify the provisions for which reimbursement is permissible.

(2) Existing law, generally, requires voters to apply for absent voter's ballots between the 29th and the 7th day prior to an election.

This bill would allow a special absentee voter to apply not earlier than the 60th day before an election for a special absentee voter ballot under specified conditions. Any specific name written on the special absentee voter ballot for an office listed on the ballot would be counted by the clerk

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch 724 (AB 2438) Herger Community colleges Butte Community College District finance

Existing law prescribes a method of computing the base revenues of community college districts for the 1981–82 and 1982–83 fiscal years, including the computation of specified incremental costs based on changes in credit and noncredit average daily attendance and different support levels for credit and noncredit average daily attendance, and a limitation on growth in statewide average daily attendance Existing law also specifies that adult education classes be noncredit classes

This bill would make certain legislative findings that the Butte Community College

District assumed by written agreement the responsibility of conducting adult education classes required to be offered by the Chico Unified School District and that the community college district conducted the adult education classes during a portion of the 1980–81 fiscal year

This bill would increase the base 1981–82 fiscal year revenues of the Butte Community College District in a specified manner based generally on the average daily attendance generated in the 1980–81 fiscal year by the Chico Unified School District for the adult education classes which were transferred to the community college district The bill would also provide that the limitation on statewide growth in average daily attendance does not apply to this bill

This bill would, for the 1982–83 fiscal year and each fiscal year thereafter, include the average daily attendance of the adult education classes and other prescribed revenues in the computation of the base revenues of the Butte Community College District in those fiscal years

This bill would prohibit any of the average daily attendance which was transferred to the Butte Community College District from being credited to the Chico Unified School District for any purpose in the 1981–82 fiscal year and each fiscal year thereafter.

This bill would reappropriate from the Budget Act of 1981 appropriation for school apportionments to the Board of Governors of the California Community Colleges, an amount to be determined in a specified manner by the Chancellor of the California Community Colleges, in consultation with the Superintendent of Public Instruction. The bill would limit the amount apportioned to the Butte Community College District in the 1981–82 fiscal year under this bill to the amount reappropriated to the board of governors.

This bill would require the Controller to transfer from the Budget Act of 1982 appropriation for adult education to the Budget Act of 1982 appropriation for community college apportionments, the amount determined for the 1981–82 fiscal year prescribed by the bill, as specified

This bill would take effect immediately as an urgency statute

Ch 725 (AB 2432) Hallett. Domestic water supply systems

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law Chapter 322 of the Statutes of 1978 authorizes the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amount of $144,000 to the Coast Joint Union High School District and not to exceed the amount of $400,000 to the Ralph Lane County Service Area for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards The bill would make legislative findings in that connection The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with specified provisions of law

The bill would also provide that the remaining funds available for purposes of the California Safe Drinking Water Grant Program not be subject to a letter of commitment by the Department of Water Resources as of June 15, 1982, shall be provided to those agencies selected by the Department of Water Resources and the State Department of Health Services from among those for which the Legislature has specifically approved grants The bill would make legislative findings in this connection and specify related matters

The bill would take effect immediately as an urgency statute

Ch 726 (AB 1196) Floyd Landscape architects fees

Existing law prescribes the fees to be assessed for persons licensed pursuant to provisions regulating landscape architecture

This bill would change the fee for examination for a certificate to practice landscape

architecture from $125 to an amount fixed by the California State Board of Landscape Architects not to exceed $225, and would change the renewal fee for the certificate from $150 to an amount not to exceed $200.

Existing law provides that all fees collected under provisions regulating landscape architecture are to be paid into the California State Board of Landscape Architects Fund and continuously appropriates money in this fund to the California State Board of Landscape Architects to carry out such provisions.

The fees provided in this bill would result in an increase in the fund, thereby causing an increase in money appropriated to the board.

The bill would take effect immediately as an urgency statute.

Ch 727 (AB 1249) Imbrecht. Political Reform Act.

Existing law provides various fines and penalties for violations of specific provisions of the Political Reform Act of 1974.

This bill would impose civil liability in an amount up to $2,000, for any violation for which no specific civil penalty is provided, as specified.

This bill would provide, however, that no civil action alleging a violation of the Political Reform Act of 1974 may be filed against a person if the criminal prosecutor is maintaining a criminal action against that person.

The bill provides that these provisions shall be applicable only as to violations occurring after the effective date of these provisions.

Existing law makes designated employees who realize economic benefits as a result of a violation or disqualification provision of a Conflict of Interest Code liable in a civil action for up to 3 times the value of the benefit.

This bill would make certain public officials, other than elected state officers, liable under this provision.

Ch. 728 (AB 3475) Baker. Building standards: permits

Under existing law, every city or county which requires the issuance of a building permit is required to print certain declarations in the left column of any building permit issued

This bill would allow cities and counties to require additional specified declarations. The bill would allow a city or county to require that the agency issuing the permit deliver copies to the assessor of the county within 15 days of issuance. The bill would also allow cities and counties to require the agency issuing the permit to inform the assessor of the county of the final inspection of a property for which a permit has been issued within 15 calendar days of conducting a final inspection.

Ch 729 (SB 1394) Mills Reduced worktime program.

Existing law provides that if the Department of Personnel Administration determines that a reduction in personnel equivalent to 1% or more in full-time equivalent jobs within a state agency is contemplated in a single fiscal year, the department director may conduct or direct the state agency to conduct a survey of all permanent full-time employees to determine the extent of the employees' desire to participate in voluntary reduced worktime The law will remain in effect only until June 30, 1982.

This bill would make the law permanent and would permit the survey to include only those permanent full-time employees most likely to be affected by the personnel reduction

The bill would take effect immediately as an urgency statute.

Ch 730 (AB 818) Konnyu Mobilehomes.

(1) Under existing provisions of the Mobilehomes-Manufactured Housing Act of 1980, the Department of Housing and Community Development is required, upon granting a license, to issue to the applicant a license containing the applicant's name and address and the general distinguishing number assigned to the applicant Existing law requires the department to issue a special license to salespersons which bears a full-face photograph of the licensee with the name and address, physical description, signature, license number, and name and address of employing dealer or a designation indicating unemployment.

This bill would, instead, require the department to issue a license for a salesperson

which contains the applicant's name, address, general distinguishing number assigned to the applicant and expiration date, and the name and address of the employing dealer.

(2) Existing law provides that every occupational license and decal issued expires at midnight on December 31 of each year Existing law further requires applications for renewal and fees be made to the department between November 1 and November 30 of each year.

This bill would additionally make applications postmarked or delivered during the month of December subject to a 50% penalty. The bill would further require licenses or decals, including temporary permits, issued to a manufacturer, distributor, dealer or transporter which expire on December 31, 1983, to be renewed for a term of not less than 3 months or longer than 26 months, as prescribed The bill would require renewal every 2 years, on or after January 1, 1984

(3) The bill would revise the definition of mobilehome for the purpose of warranty requirements

The bill would make other conforming changes.

Ch. 731 (AB 221) Thurman. Vehicles: combinations of vehicles length

Existing law prohibits a truck tractor and semitrailer when coupled together, including attachments, to exceed a total length of 60 feet

This bill would exempt, until December 31, 1985, a truck tractor and semitrailer combination, designed with a split bed capable of tilting to provide a loading ramp, from the 60-foot length limitation and instead impose a 65-foot limitation on that combination, if the truck tractor and semitrailer were each first registered in this state between January 1, 1977, and December 31, 1978, and provided that the truck tractor wheelbase does not exceed 23 feet and the dimension from the kingpin to the center of the rearmost semitrailer axle does not exceed 34 feet.

Ch 732 (AB 2523) Wray. Rail passenger service development

(1) Under existing law, the California Transportation Commission makes specific allocations of funds to assist in the operation of commuter and intercity passenger transportation services on recommendation of the Department of Transportation, and in this connection the department is required to submit a report to the commission prior to any allocations for any recommended service.

This bill would specify that the report is required only prior to allocations for any recommended new service, and would specify that the report shall become a part of the department's proposed state transportation improvement program

(2) Existing law requires the department to prepare a rail passenger development plan annually for submission to the California Transportation Commission for its advice and consent and then to the Legislature, Governor, and Public Utilities Commission.

This bill would revise the date for submission of the report to the California Transportation Commission from each December 1, to each January 1, and to the Legislature, Governor, and Public Utilities Commission from each January 31, to each March 1. It would eliminate a requirement that the report contain a determination of costing requirements for the operation of proposed commuter and intercity rail passenger services, an analysis of existing railroad main lines in the state, the market potential for proposed rail passenger services, and proposed plans and specifications for the conversion of abandoned rail lines into joint passenger and freight routes It would also revise a provision requiring a separate annual report including a map of existing, proposed, and feasible intercity and commuter rail passenger routes to be compiled after a public hearing to delete the hearing requirement, and include the map provisions within this report instead of separately.

(3) Existing law subjects the operations of railroad corporations to the jurisdiction and control of the Public Utilities Commission including rates and services Existing law also requires the commission to adopt by December 1, 1982, passenger rail service standards and costing standards and methodologies specifying the compensation of railroad corporations for the available operating and capital costs for any level of rail passenger service under consideration by the commission

This bill would delete the requirement that the commission adopt these criteria, standards, and methodologies by December 1, 1982, and would instead provide that in determining reimbursement to railroad corporations for the operation of rail passenger

service, the commission shall not exceed that compensation which would be payable if calculated pursuant to specified federal standards of the Rail Services Planning Office of the Interstate Commerce Commission It would also permit the commission to eliminate the hearing requirement in a rate proceeding whenever a state agency files an application for a rate or fare increase or change in the level of service for passenger transportation by a railroad corporation when the state agency has previously held a public hearing on the matter which the commission finds to be complete and adequate, and would require the commission in such case to make a determination in the proceeding within 90 days of the filing of the application.

(4) The bill would take effect immediately as an urgency statute

Ch 733 (AB 2510) Johnston Honey. container standards

(1) Existing law prescribes the size of containers which may be used to hold honey distributed in California

This bill would authorize the Director of Food and Agriculture to promulgate regulations which permit the preparation, packing, shipment, or sale of honey in an experimental type of container which, except in respect to labeling standards, does not conform to the standards prescribed by law

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 734 (SB 90) Russell State-mandated local programs.

(1) Existing law specifies various procedures relating to claims that may be made to the State Controller for reimbursement to a local entity for costs mandated by the state.

This bill would revise these procedures.

(2) Existing law requires the state to reimburse each local agency for costs mandated by the state and requires funds for this purpose to be appropriated to the Controller for disbursement Claims for reimbursement are generally required to be submitted to the Controller by October 31 of the fiscal year in which such costs are incurred A valid claim filed after the deadline is reimbursed at 80% of the amount which would have been allowed or such lesser prorated amount, as specified. Payment of any claim filed with the Controller after October 31 of the fiscal year following the fiscal year in which costs are incurred is prohibited

This bill would change the October 31 dates to November 30 and would also provide that the prohibition of payment of claims filed more than a year after the deadline would not apply to estimated claims

(3) Existing law requires the Legislative Counsel to determine whether a bill requires state reimbursement to local agencies and requires that determination to be shown in the digest of the bill

This bill would, in addition, require the digest to describe the basis for a determination that the bill would require state reimbursement.

(4) Existing law provides for 2 members on the Board of Control to represent local government

This bill would require the 2 members to be local government elected officials, and would provide for the appointment of an alternate for those local government members.

(5) Under existing law, state-mandated local programs requiring state reimbursement with specified exceptions, are limited to 6-year periods The Department of Finance is required to review all statutes creating these programs for which no reimbursement is made.

This bill would also require the Department of Finance to review all statutes which create costs mandated by the state and do not contain the 6-year limitation.

(6) The bill would take effect immediately as an urgency statute

Ch. 735 (AB 3598) Greene. Schools. community colleges: construction projects.

(1) Under existing law, all plans, specifications, and estimates for school and community college construction are required to be prepared by a certified architect or a structural engineer, and the observation of the work of construction is required to be under the responsible charge of an architect or structural engineer. Existing law also authorizes a qualified professional engineer to prepare plans, specifications, and estimates, and to observe the work of construction if the plans, specifications, or estimates do not involve architectural or structural changes

This bill would authorize a mechanical or electrical engineer to be in responsible charge of preparation of plans, specifications, and estimates, and observation of the work of school and community college construction where the work is, as determined by the Department of General Services, of the kind normally performed by engineers certified in the particular branch of engineering for which the engineer is certified. This bill would also require that any architectural or structural work involved be the respective responsibility of an architect or structural engineer.

(2) Under existing law, the so-called Field Act requires school districts and community college districts to comply with provisions concerning the construction or alteration of a school building which require approval of plans and specifications by, and submission of specified reports to, the Department of General Services

This bill would require the Department of General Services to issue a certification that the school building complies with the Field Act when the building has been constructed in accordance with approved plans and specifications, all required reports and documents have been filed with the Department of General Services, and the district has paid all required fees.

This bill would also require the Department of General Services, upon written request of the district when the final approval of structural compliance with the Field Act has been delayed due to the failure to file required final verified reports, as specified, to review all projects and make such examinations as it deems necessary to certify that the school building otherwise complies with the Field Act. This bill would require the district to pay the costs incurred by the Department of General Services, as specified, and require that the department withhold certification until all the costs have been paid.

This bill would specify that its provisions shall not relieve any individual of his or her responsibilities under the Field Act, as specified. This bill would also provide that its provisions shall not prevent a district from beneficial occupancy of a newly completed building prior to the issuance of the certification.

Ch. 736 (AB 3579) Robinson. Automobile insurance

Existing law requires policies of automobile liability insurance to contain specified provisions, and also permits a policy to make the insurance inapplicable to specified situations, including various liabilities such as the liability for bodily injury to an insured

This bill would permit a policy to make an insurer's obligation to defend inapplicable to specified situations.

Among other instances, this bill would permit that exclusion whenever the ultimate benefits of the indemnification accrue directly or indirectly to an insured

Under existing law, an insurer paying a claim under an uninsured motorist endorsement or coverage is entitled to be subrogated to the rights of the insured to whom the claim was paid against any person causing the injury

This bill would provide that the right of subrogation is against any person legally liable for the injury

Ch 737 (AB 2848) Costa Agriculture

(1) Existing law requires every processor who crushes grapes in this state to furnish specified reports to the Director of Food and Agriculture on the tonnage, prices, and content of grapes purchased by the processor in this state during the preceding crush within each grape pricing district, as specified. The director is required to compile this information in a specified form and publish the information first in a preliminary report and then in a final report. Funding for the administration of these reporting provisions is provided by a requirement that each processor who crushes more than 100 tons of grapes in this state shall pay to the director an amount not to exceed 2¢ per ton of grapes received for crushing during each marketing season These moneys are deposited in the State Treasury to the credit of the Department of Food and Agriculture Fund, a continuously appropriated fund

This bill would increase the fee for support of the reporting provisions to 3¢ per ton of grapes received for crushing, thus resulting in an appropriation

(2) Existing law requires that every lot, parcel, or package of commercial fertilizer which is distributed into or within the state have attached to it, or be accompanied by, a label with specified information, including a guaranteed analysis statement which lists specific information regarding the contents

This bill would repeal the specified information that is required to be included in the guaranteed analysis statement and instead would require that the statement include information regarding the contents of the fertilizer as specified by the director by regulation.

(3) Existing law requires handlers of market milk to pay specified assessments and fees to the director to defray the cost of administering the milk stabilization and marketing laws Existing law also authorizes the director to use these assessments and fees to defray the cost of administering the laws regulating products resembling milk products when the assessments and fees have been appropriated from the Department of Food and Agriculture Fund for that purpose. Existing law authorizes the director to adjust the rates of the assessments or fees on handlers whenever the director finds that the cost of administering the milk stabilization and marketing laws can be defrayed from revenues derived from lower rates

This bill would require the director to include any allocation of funds made to defray the cost of administering the laws regulating products resembling milk products before finding that the cost of administering the milk stabilization and marketing laws can be defrayed from revenues derived from lower rates

Ch. 738 (SB 1241) Garamendi Vehicles. unattended vehicles. private property: impounding.

(1) Under existing law, an unattended vehicle may be removed from private property, as prescribed, by the owner or person in lawful possession of the property Prior to causing removal of the vehicle, a sign is required to have been posted on the property prohibiting public parking and containing the telephone number of the local law enforcement agency.

This bill would, in addition, require that the sign be of such size as required by ordinance, be displayed at all entrances to the private property, and indicate that vehicles will be removed at the vehicle owner's expense This bill would also provide that, whenever there has been a failure to post a sign, as specified, an owner or person in lawful possession of any private property, who causes the removal of a vehicle parked on that property, would be liable for any storage or towing charges.

The bill would prohibit any person to cause the removal of any vehicle from privately owned and operated fee-paid parking facilities until at least 12 hours after the expiration of the period for which a fee is paid for the vehicle, excepting, however, those spaces rented and reserved, in the manner specified, to and for the use of a person.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 739 (AB 3747) McAlister Financial institutions.

Existing law provides that the Legislature has the authority to exempt new classes of persons from the limitations on interest rates contained in the usury provisions of Article XV of the California Constitution. Under existing law, a state or national bank which is authorized to transact a trust business and a state or federal savings and loan association which is authorized to exercise trust powers, are not specifically exempted from the limitations on interest rates contained in Article XV of the Constitution, when these institutions are acting in a fiduciary capacity

This bill would create and authorize an exemption from the constitutional usury provisions for a bank or savings and loan association which is authorized to engage in a trust business or exercise trust powers when acting in a fiduciary capacity, as specified.

Existing law does not exempt trust companies from the limitation on interest rates contained in Article XV of the California Constitution.

This bill would exempt trust companies from interest rate limitations of Article XV of the Constitution

Existing law does not exempt a bank holding company or a subsidiary thereof, a savings and loan holding company or a subsidiary thereof, or a service corporation of a savings and loan association from the usury provisions of Article XV of the California Constitution

This bill would create and authorize an exemption from the constitutional usury provisions for a bank holding company, a savings and loan holding company, subsidiaries of such holding companies, and a service corporation of a savings and loan association, as specified

Existing law provides that any foreign (other nation) bank which is licensed to maintain an office or maintains a federal agency or federal branch in this state and any foreign (other state) bank are exempt from the constitutional usury limitations on interest rates.

This bill would extend this usury exemption to any foreign (other nation) bank which has assets of at least $100,000,000 at the time it makes a loan or forbearance or executes a contract therefor, or meets other specified criteria The bill would also extend this exemption to apply to any foreign (other nation) bank which is licensed to maintain an office or maintains a federal agency or branch in any state.

Ch. 740 (SB 884) Presley Conflict of interest

(1) Under existing law, generally, no Member of the Legislature may accept or agree to accept any employment, fee, or other thing of value in consideration of appearing, agreeing to appear, or taking any other action on behalf of another person regarding a licensing or regulatory matter before any state board or agency which is established by law for the primary purpose of licensing or regulating the professional activity of persons licensed pursuant to state law

This bill would, with specified exceptions, prohibit any Member of the Legislature from accepting or agreeing to accept any employment, fee, or other thing of monetary value in consideration of appearing, agreeing to appear, or taking any other action on behalf of another person before any state board or agency.

(2) Existing law prescribes the duties and responsibilities of the Joint Legislative Ethics Committee with respect to alleged violations by Members of the Legislature of provisions of the Government Code known as the Code of Ethics, and specifies the manner in which a person may file a complaint regarding an alleged violation by a Member of the Legislature. Under existing law, no complaint may be filed with the committee after 6 months from the date the alleged violation occurred

This bill would revise the above provisions by imposing additional duties on the committee with respect to making determinations and findings of fact, and reporting thereon, and specifying in more detail the contents of the written complaint. The bill would also specifically permit the committee, if it finds that a violation of the Code of Ethics has occurred, to include in its findings of fact any recommendations as to actions which the committee believes would be appropriate to take against the respondent This bill would provide that no complaint may be filed with the committee after 12 months, rather than 6 months, from the date the alleged violation occurred. The bill would provide that the house in which the respondent serves shall have 90 days after receiving the findings and report of the committee within which to take action with respect to the respondent The bill would make certain documents public records and open to public inspection

(3) The bill would also correct an obsolete cross-reference by deleting a reference to provisions in the Elections Code and including a reference to provisions now contained in the Government Code which superseded them, and correct an obsolete cross-reference to the Article of the California Constitution pertaining to civil service

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason

Ch. 741 (AB 3277) Wright Traffic regulation.

(1) Existing law permits a driver stopped at a steady circular red signal to make a right turn, or left turn from a one-way street onto a one-way street after yielding the right-of-way to pedestrians and other traffic proceeding as directed by the signal

This bill would delete reference to pedestrians and other traffic proceeding as directed by the signal and instead provide that a driver making such a turn at a steady circular red signal yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to traffic lawfully using the intersection.

(2) Existing law imposes a duty of due care on pedestrians crossing at an intersection

This bill would prohibit a pedestrian from unnecessarily stopping or delaying traffic while in a marked or unmarked crosswalk.

(3) Existing law requires, with specified exceptions, that a driver making a right hand turn make the turn as close as practicable to the right hand curb or edge of the roadway

This bill would, additionally, permit a driver making a right turn from a highway having one or more lanes marked for a right turn to turn right from any lane designated and marked for that turning movement.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 742 (AB 3267) Vicencia. Unemployment disability insurance

Existing law permits any local public agency to elect to become an employer for unemployment disability insurance purposes with respect to its employees if such election is made before January 1, 1984

This bill would permit any local public agency to make this election if made before January 1, 1985.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 743 (AB 3247) Filante. Contractors: notice of mechanics' lien laws.

Under existing law, a licensed contractor is required, prior to entering into a contract with an owner for work for which a contractor's license is required, to give a notice regarding the state's mechanics' lien laws, as specified, to the owner, the owner's agent, or the payer. The notice contained in the contract form prescribed by law for home improvement contracts is deemed to meet these notice requirements

This bill would (1) limit the contracts for which a licensed contractor is required to give a notice of the mechanics' lien laws to those for work specified as home improvement or swimming pool construction, and (2) provide that the notice contained in the contract forms prescribed by law for home improvement contracts or contracts for the construction of a swimming pool shall be deemed to meet these notice requirements.

Ch. 744 (AB 3246) Sebastiani. Dairy products jack cheese.

(1) Existing law prescribes the contents and process for the manufacture of high moisture jack cheese

This bill would restrict the commercial use of the term "jack cheese" to describing, or as an abbreviation for, Monterey jack cheese or high moisture jack cheese, as prescribed

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 745 (AB 2456) Katz. Protection dog operators.

Existing law does not provide for the licensing and regulation of persons who, for consideration, furnish dogs which are trained to guard, protect or patrol property or protect, defend or guard persons with or without the necessity of direct human supervision.

This bill would provide for the licensing and regulation of protection dog operators, as defined, pursuant to provisions of the Private Investigator Act. The bill would provide for the registration of employees of protection dog operators The bill additionally specifies the fees for a license, which fees are to be deposited in the Private Investigator and Adjuster Fund.

Existing law provides that all money in the Private Investigator and Adjuster Fund is continuously appropriated to the Bureau of Collection and Investigative Services to carry out provisions of the Private Investigator Act

The fees and fines provided by this act would result in an increase in such fund.

The bill also makes technical, conforming changes.

This bill would make additional changes made in Sections 7512 4, 7514, 7521, and 7523, Business and Professions Code proposed by SB 673 to be operative only if SB 673 and this bill are both chaptered and this bill is chaptered after SB 673.

The provisions of the bill would become operative July 1, 1983.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 746 (AB 3175) Ivers. Vehicles· financial responsibility

(1) Under existing law, if a driver of a motor vehicle is involved in an accident resulting in over a specified amount of property damage, bodily injury, or death, the driver is required to report the accident. In case of willful failure, refusal, or neglect to do so, the Department of Motor Vehicles is required to suspend the person's driving privilege for one year or until the report of the accident is received by the department The suspension is also sooner terminated in case of a failure to report which is not willful upon the receipt of evidence of financial responsibility.

In the case of such an accident and, if the driver and owner fails to prove the existence of financial responsibility at the time of the accident, they are required to establish, file with the department, and maintain proof of that financial responsibility for 3 years. If the driver fails to so establish proof of financial responsibility, the department is required to suspend his or her driving privilege, except as specified The suspension is for 3 years or until the person files and thereafter maintains proof of financial responsibility, as specified.

Existing law also requires the department to suspend the driving privilege of any person shown, as specified, to have failed to satisfy a final judgment against the person, as specified, for damages resulting from such an accident. This suspension is required to continue until the judgment debtor gives proof of ability to respond in damages, as specified, and either the judgment is satisfied in full, or installment payments on the judgment is ordered by the court, or unless the judgment is shown to have been covered by insurance. Default in installment payments under these provisions also results in the department suspending the driving privilege.

This bill would provide that the driving privilege shall not be suspended, and would require a suspension imposed and in effect under provisions imposing suspension for

failing to report such an accident or failing to establish proof of financial responsibility after such an accident to be terminated, if the person's driving privilege is suspended for failing to satisfy a judgment arising out of the same accident for which the report was required or for which proof of financial responsibility was required to be established. The bill would authorize the department, however, to suspend or reimpose the suspension of the driving privilege of a person under provisions imposing suspension for failing to report such an accident, or failing to establish proof of financial responsibility after such an accident, if the suspension for failing to satisfy a judgment arising out of the same accident for which the report was required or for which proof of financial responsibility was required to be established is set aside for a reason other than that the judgment is satisfied, as specified, and proof of ability to respond in damages has been given.

The bill would make other related technical changes.

(2) Existing law authorizes a driver of a vehicle, required to furnish proof of ability to respond in damages or proof of financial responsibility in the amount specified, to furnish to the department a certificate or certificates from an insurance carrier certifying coverage for the required amounts.

This bill would require the department to accept a single insurance certificate to certify coverage for either of the required amounts, as specified.

Ch. 747 (AB 3152) McAlister. Unemployment insurance: school employers.

Under existing law, school employers are required to finance unemployment insurance coverage for their employees by contributing to the School Employees Fund in accordance with a specified formula based on average fiscal year benefit charges However, with respect to wages paid for specially funded projects, the contribution rate is 1% of the wages paid.

This bill would repeal this 1% contribution rate and apply the specified formula based on average fiscal year benefit charges to all wages paid by school employers.

Ch. 748 (AB 3150) McAlister. Unemployment insurance.

Existing law provides that any cost savings made possible by Chapter 313 of the Statutes of 1982 be used for, among other things, any purpose designated by the Legislature by appropriate legislation and to the extent permitted by federal law

This bill would specify that these purposes include Employment Development Department automation of client services provided by its employment service, and would require the Governor to itemize any annual cost savings in the annual State Budget

Ch. 749 (AB 2873) Bates. Transportation: traffic regulation.

(1) Existing law requires every state agency to transmit every regulation adopted by it to the Office of Administrative Law, except for specified regulations.

This bill would also make an exception until January 1, 1984, an order determining uniform standards and specifications for official traffic control devices.

(2) An existing provision of the Vehicle Code defines the term "official traffic control device."

This bill would revise this definition until January 1, 1984, to exclude islands, curbs, traffic barriers, and other roadway design features.

(3) Existing law authorizes local authorities to adopt rules and regulations on specified matters regarding highways.

This bill would authorize local authorities until January 1, 1984, to adopt rules and regulations to prohibit entry or exit from any street by means of islands, curbs, traffic barriers, or other roadway design features to implement the circulation element of an adopted general plan.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute.

Ch. 750 (SB 838) Holmdahl. State parks: animals brought by visitors.

(1) Under existing law, the Department of Parks and Recreation has control of the state park system.

This bill would specify that, when it is determined to be in the public interest, visitors to units of the state park system may bring animals into those units under specified conditions. The bill would prohibit the animal being permitted to pose a threat or create a public nuisance. The bill would also authorize peace officers and other designated employees of the department to capture or dispatch the animal under specified circumstances.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 751 (SB 791) Ayala. Milk and dairy products· marketing.

(1) Under existing laws regulating the marketing of milk and other dairy products, "distributor" includes. among others, persons who regularly operate mobile vehicles on routes for sales directly to consumers at their homes; dairy product vending machine operators; persons who refrigerate, store, or assemble individual order allotments of milk in containers of less than 1 quart for specified purposes; persons whose primary and regular business is the sale of milk supplies to documented or foreign registry vessels; retail stores or wholesale customers that actively and directly process, manufacture, or package milk, cream, or other dairy products; and handlers.

This bill would eliminate those types of persons from the definition of "distributor." The bill would also eliminate "distributor" from the definition of "wholesale customer." It would specify that "distributor" includes a handler and also a wholesale customer only as to milk, cream, or any dairy product that is actively and directly processed, manufactured, or packaged. It would also eliminate the definition of "retail store."

(2) Existing law prohibits specified unfair practices in the marketing of market milk, cream, and dairy products.

This bill would change the reference of these provisions to unlawful practices. It would revise the provisions relating to making or offering any gift of money or thing of value to any person to induce that person to become or remain a wholesale customer.

(3) Under existing law, the requirement by any distributor or manufacturer of the acceptance by a purchaser, handler, or retailer of any product resembling milk products as a condition of receiving any milk product, any other product resembling milk products, or any other product handled by that distributor or manufacturer is an unfair trade practice.

This bill would eliminate that provision.

(4) The bill would delete obsolete provisions and make other related changes.

Ch. 752 (SB 734) Keene State lands

Existing law provides that real property for the state may be acquired pursuant to the Property Acquisition Law and jurisdiction over that property is in the Department of General Services It further provides that money from sales or rents received from the property shall be deposited in the General Fund and are appropriated to the Department of General Services for the maintenance of these properties, as specified.

This bill would provide that all real property acquired by the state for the state parks system prior to April 1 of each year, which constitutes a sufficient usable area of land for state park system purposes, shall be transferred to the Department of Parks and Recreation by July 1 of each year.

The bill also (1) would permit the Director of the Department of Parks and Recreation to request approval of the Legislature through the budget process to allow continued management of specified properties by the Department of General Services for specified reasons; (2) would require that all concession, contract, lease, and rental revenues from the property received by the Department of Parks and Recreation shall be deposited in the General Fund; and (3) would require the department to request funds for its management of the property in its budget request submitted to the Legislature

Ch. 753 (AB 2741) Campbell. Hunting waterfowl and Department of Fish and Game facilities

(1) Existing law provides for, among other things, hunting in state recreation areas which meet designated conditions, when it is found by the State Park and Recreation Commission that the use would not threaten the safety and welfare of other state recreation area users

This bill would require the commission to allow, in accordance with those provisions, waterfowl hunting annually during prescribed duck or geese seasons in all of Franks Tract State Recreation Area, except as prescribed.

(2) Under the Budget Act of 1982, $401,000 is appropriated from the Fish and Game Preservation Fund to the Department of Fish and Game for land acquisition for specified regional facilities

This bill would make legislative findings and declarations that those acquisitions will be made pursuant to a provision of the California Constitution which authorizes the transfer of surplus state property acquired with specified motor vehicle revenues to the department for the protection and preservation of fish and wildlife habitat for a consideration at least equal to the acquisition cost paid by the state

(3) The bill would take effect immediately as an urgency statute.

Ch. 754 (AB 3541) Vicencia. Schools: Bellflower Unified School District: surplus property

Existing law authorizes the proceeds of a sale of surplus school property to be deposited in the general fund of the school district for any general fund purpose if the governing board of the district and the State Allocation Board have determined that the district has no capital outlay needs for a 5-year period following the sale or has no major deferred maintenance requirements.

This bill would, notwithstanding the provision of existing law, authorize the Bellflower Unified School District to deposit the proceeds of a sale of district surplus property in the general fund of the district for use in obtaining textbooks and supplemental materials

This bill would require the State Allocation Board to reduce any state funds apportioned to the Bellflower Unified School District from the State School Deferred Maintenance Fund or the State School Building Lease-Purchase Fund, or both, by the amount of sale proceeds expended by the district for purposes other than major deferred maintenance or capital outlay, as specified.

Ch 755 (AB 3059) Floyd Motorcycles: replacement cases.

Under existing law, the Department of Motor Vehicles registers a replacement case for a motorcycle upon request of the owner.

This bill would preclude the department from registering a case for a motorcycle of specified type, manufactured in the United States, without proof of the destruction of the case being replaced and would require the Department of the California Highway Patrol to make a determination verifying proof of destruction.

Ch. 756 (AB 2980) Bates State government. smoking policy.

Existing law does not require state departments to regulate smoking policies in their departments

This bill would require each state department to either adopt the existing policy of the State Personnel Board on smoking, or adopt their own policy on smoking which addresses specified items.

Ch 757 (AB 2430) Sher. Vehicles: registration.

Existing law provides for the expiration of a vehicle registration and registration card at midnight on the expiration date designated.

This bill would require the Department of Motor Vehicles to study the feasibility of a voluntary common registration renewal date for multiple vehicles owned by a single owner. The bill would require specified reports to the Legislature and authorize a pilot program or full scale program for that voluntary common registration renewal date program for owners of a specified number of vehicles, as determined by a specified procedure. The bill would authorize the department to collect fees, as specified, for the program.

The bill would appropriate $25,000 from the Motor Vehicle Account in the State Transportation Fund to the department for the purposes of the bill.

The bill would take effect immediately as an urgency statute.

Ch. 758 (AB 3218) Tanner Weights and measures.

(1) Existing law authorizes the Director of Food and Agriculture to make rules and regulations as are reasonably necessary for carrying out state law relating to weights and measures.

This bill would require the director to adopt rules and regulations pertaining to sale or advertisement of wood for fuel purposes as specified.

(2) Under existing law, the director has the responsibility for enforcing state law relating to weights and measures. The director licenses public weighmasters, private weighmasters, and public weighmasters at large

This bill would authorize the director to assign or reassign dates for expiration of licenses, define the term "license year," and make related changes with respect to the regulation of weighmasters. The bill would revise the contents required in the weighmaster's certificate of weight and measure.

(3) Under existing law, the Department of Food and Agriculture is required to adopt regulations for certification of laboratories to perform measurement services and to establish a fee schedule which will recover costs of certification.

This bill would require the director to recover actual costs for certification of any laboratory from that laboratory.

(4) Under existing law, instruments or devices for weighing, measuring, or counting are required to be approved as provided in the director's regulations.

This bill would require a sealer to remove an instrument or device in violation from commercial usage and would authorize the sealer to seize it or mark it as an unapproved device.

(5) Under existing law, the director is authorized to adopt regulations on tare weights.

The bill would require the director to adopt the regulations

(6) Existing law makes it unlawful to sell any petroleum product without the required labeling.

This bill would revise the labeling requirements for gasoline, diesel, and other motor fuel, for oil viscosity specifications, for gasoline or alcohol fuel, for motor fuel containing a mixture of gasoline and oil, and for retail motor fuel dispensers and containers It would also delete and revise provisions on the posting of octane numbers.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 759 (AB 3787) Greene. Flood control assessments.

(1) Under existing law, maintenance areas may be established under specified circumstances by the Department of Water Resources or the Reclamation Board to finance the operation and maintenance by the state of specified flood control projects in accordance with federal standards.

This bill would permit the board of supervisors to levy, in lieu of an ad valorem benefit assessment within a maintenance area, a special benefit assessment based on specified factors and computed in accordance with prescribed formulas, to raise the amount certified by the department. The bill would make legislative findings in this connection, and prescribe related matters.

(2) Under existing law, the American River Flood Control District is generally authorized to levy assessments to carry out its objects or purposes and to pay the costs and expenses of operating and maintaining any work or improvement of the district. Prior to the construction of flood control works, the Board of Trustees of the American River Flood Control District was required to divide the district into zones of benefits.

This bill would authorize the board, in accordance with prescribed procedures, to modify the zone boundaries in order to better reflect the benefits as then received by lands within the district from the maintenance, operation, extension, or repair of works

or improvements of the district, and would make related changes.

The bill would also authorize the Board of Supervisors of Sacramento County, if the district elects to have its taxes collected by county officials, to instead levy a special benefit assessment similar to that described above, and make related changes in the existing provisions

(3) The bill would take effect immediately as an urgency statute

Ch. 760 (SB 2086) Johnson Property taxation timberland.

Existing property tax law requires the State Board of Equalization to adopt every 3 years, commencing on or before January 1, 1980, schedules for the valuation of timberland for the next 3 succeeding fiscal years. In December 1979, the board adopted Property Tax Rule 1025 in order to comply with this requirement. Assessments for the 1980–81 and 1981–82 fiscal years were made pursuant to that rule In October 1981, that rule was declared invalid by an appellate court of this state (Soper-Wheeler Co v State Bd of Equalization, 124 Cal App 3d 913) As a result, assessments made for the 1980–81 and 1981–82 fiscal years based on the aforementioned rule resulted in overpayments of property taxes for certain assessees

Existing property tax law generally requires that overpayments of property taxes be refunded to the assessee

This bill would permit those counties which made assessments of timberland which resulted in the overpayment of property taxes by assessees to provide those assessees with either refunds or credits against subsequent property taxes owed in connection with that timberland. This bill would require that whenever credits are provided, these credits be applied to the property taxes owed by assessees for the 1982–83 fiscal year. This bill would also authorize the county auditor to prescribe a procedure adequate to establish an audit trail by which the credits are to be applied and would provide that this procedure would obviate the necessity for value corrections on the 1980–81 and 1981–82 assessment rolls.

This bill would take effect immediately as an urgency statute

Ch. 761 (AB 3369) Floyd Contractors

Existing law provides that any person who does not hold a valid state contractor's license and who employs any worker to perform services for which such a license is required, shall be subject to a civil penalty of $100 per employee for each day of the employment.

This bill would, in addition, provide that any person who holds a valid state contractor's license and who enters into a contract with any person to perform services for which such a license is required as an independent contractor, and the person does not meet specified requirements for independent contractor status or hold a valid state contractor's license, shall be subject to a civil penalty of $100 per person so contracted with for each day of the contract.

Ch. 762 (AB 3403) Moorhead. Gasoline taxes refunds

Under the Motor Vehicle Fuel License Tax Law, a tax is imposed on gasoline at the rate of 7¢ per gallon, however, refunds of 6¢ per gallon are made to specified entities.

This bill would provide a refund for designated consolidated transportation service agencies, and states that this provision is declaratory of existing law.

The bill would make an appropriation since refunds would be made from the Motor Vehicle Fuel Account in the Transportation Tax Fund, which account is a continuously appropriated fund

This bill would take effect immediately as a tax levy

Ch. 763 (AB 3451) Moore State easements, leases, licenses and rights-of-way

Existing law provides that in any agreement entered into whereby the state obtains a grant of easement, lease, license, right-of-way, or right of entry, the state may agree to indemnify and hold harmless the grantor, lessor, or licensor and may agree to repair or pay for any damage proximately caused by reason of the uses authorized by the agreement.

This bill would specifically include rights-of-way or rights of entry on or over property of any railroad within the above provision.

Ch. 764 (AB 3459) Levine. Coastal zone. low- and moderate-income housing.

(1) Existing law requires local governments to prepare and adopt housing elements for their jurisdictions, and to periodically review and revise those housing elements.

This bill would require local governments within the coastal zone to include in their review of housing elements specific information with regard to the number of new housing units approved for construction within the coastal zone after January 1, 1982, and the availability of housing for persons and families of low and moderate income.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 765 (AB 3077) Bates. Mental health: community residential treatment system

Under existing law, counties are authorized to implement a community residential treatment system, as specified, pursuant to specified eligibility criteria and system program elements, including socialization centers.

This bill would require the system program elements to include a self-help independent living program that utilizes mentally disabled persons living independently in the community to work with clients of the mental health system.

Ch. 766 (AB 3149) Costa. Housing: elderly. pets.

Existing law provides that a public property owner, as defined, of any rental housing accommodation shall not prohibit any elderly person from keeping 2 or fewer pets, as defined, in the rental housing accommodations. The law, however, does not prevent the local housing authority from requiring the removal of any pet constituting a threat or nuisance or the public agency from adopting reasonable regulations relating to limitations on use of common areas by the pets.

This bill would, instead, authorize the local housing authority to adopt reasonable regulations relating to the pets and would authorize any elderly resident or elderly applicant to appeal the adoption or application of any regulation in accordance with grievance procedures established to resolve tenant disputes. The bill would require a copy of the grievance procedures to be provided to an elderly tenant or elderly applicant who keeps a pet. The bill would also exempt the local housing authority from liability for damage caused by any of the pets except upon proof of prior actual knowledge of a dangerous propensity of the pet or hazardous condition created by the pet.

Ch. 767 (SB 1422) Foran Public airports. exclusive agreements

(1) The law presently authorizes cities, counties, cities and counties, and certain special districts to own, operate, and manage airports, and to contract for the management of facilities and provision of services at such airports

Federal laws which prohibit monopolies and certain anticompetitive activities are generally not applicable to the state in its sovereign capacity, but are generally applicable to local governmental entities, except when the local governmental agency engages in monopolistic or anticompetitive activity on behalf of the state in accordance with criteria established by the courts.

This bill would declare it to be the state's policy to promote the development of commerce and tourism in the state and would specify various objectives to fulfill that policy

In furtherance of the declared policies and in fulfillment of the specified objectives, the bill would require the governing bodies of publicly owned or operated airports to grant exclusive or limited agreements to displace business competition with regulation or monopoly service whenever the governing body determines, in consideration of

specified factors, that such agreements are necessary to further the declared policies and fulfill the stated objectives

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency statute.

Ch 768 (AB 3327) Cortese State purchases: delegated purchases

Existing law provides that all contracts entered into by any state agency for, among other things, the hiring or purchase of equipment, supplies, or materials are of no effect until approved by the Department of General Services It also provides that every purchase of supplies or equipment in excess of $100 for any state agency shall be made by or under the supervision of the department.

This bill would require the department to establish a program for delegating authority to purchase materials, supplies, and equipment to state agencies. It would establish the procedures to be implemented by a state agency to qualify for delegated purchasing authority.

This bill would specify the types of purchases a state agency may make under delegated authority

Ch. 769 (AB 3478) Sher. Real property securities

Existing law defines a real property securities dealer as any person, acting as a principal or agent, who engages in the business of selling real property securities to the public or offering to accept or accepting funds for continual investment in real property securities, as specified; and provides that the sale to a pension, retirement, or similar trust fund is not a sale to the public, for these purposes.

This bill would limit the above exemption, as to the sale of real property securities to a self-employed individual retirement plan or individual retirement account, only to instances where the plan or account is for the exclusive benefit of an individual who is a real estate broker licensee, general building contractor licensee, or attorney.

Ch 770 (AB 3504) Lockyer Pest control operators: mechanics' lien rights and responsibilities.

Existing law requires a licensed contractor, before entering into a contract with an owner of property for work for which a contractor's license is required, to give a notice which sets forth the pertinent provisions of the state's mechanics' lien laws and the rights and responsibilities of an owner of property and a contractor thereunder to the owner, his or her agent, or the payer.

This bill would similarly require pest control operators licensed to perform in branches of practice relating to fumigation and termites, prior to entering into a contract with an owner for work for which an operator's license is required, to give a notice, as prescribed by the Structural Pest Control Board, regarding the mechanics' lien laws to the owner, his or her agent, or the payer, as specified. This bill would also provide with regard to those licensed operators, that (1) no operator who is required to be licensed shall require or request a waiver of lien rights from any subcontractor, employee, or supplier, (2) each licensed operator who acts as a subcontractor for another licensed operator shall, within 20 days of commencement of any work for which an operator's license is required, give a preliminary 20-day notice, as specified; (3) each licensed operator who acts as a prime contractor for work for which an operator's license is required shall, prior to accepting payment for the work, furnish a full and unconditional release from any claim of mechanics' lien by any subcontractor, as specified; and (4) each licensed operator who subcontracts to another licensed operator work for which an operator's license is required shall furnish to the subcontractor the name of the owner, his or her agent, or the payer. A violation of any of the provisions of the bill would be a ground for disciplinary action

Ch. 771 (AB 3559) Thurman. Outdoor advertising: bus passenger shelters or benches. advertising displays

Existing provisions of the Outdoor Advertising Act apply, with exceptions, to the placing of advertising displays within the view of highways located within unincorporated areas

This bill would authorize advertising displays on bus passenger shelters or benches under a permit from the public entity with operational authority over the highway adjacent to where, or upon which, the advertising display is to be placed, if specified standards are complied with.

Ch. 772 (AB 3563) Thurman. Schools. fees.

(1) Under existing law, school districts are prohibited from imposing a direct or indirect fee or charge upon pupils as a condition upon enrollment in school or a course of instruction.

This bill would specifically prohibit school districts from requiring any fee or charge for enrollment or participation by any pupil in activities of vocational student organizations which are part of a vocational class or course of instruction offered for credit, when those activities are integral to assisting the pupil to achieve the career objectives of the class or course. This bill would apply to activities which occur during or outside of the regular schoolday This bill would state that these provisions are declaratory of existing law

(2) Under existing law, the governing board of any school district maintaining an agriculture course at the high school level may transport pupils, instructors, or supervisors of classes to and from any classes or places where the work of the classes is being done, as specified

This bill would specifically prohibit a school district from requiring any pupils to pay any fee or charge for transportation associated with activities of vocational student organizations which are part of a class or course of instruction offered for credit and are integral to assisting the pupil to achieve the career objectives of the class or course.

Ch. 773 (AB 3567) Moore. Adoption.

Existing law does not specify that on or before the time a relinquishment for or consent to adoption is signed the parent signing the relinquishment or consent shall be advised that he or she may request, at any time in the future, all known information as to the status of the child's adoption, except as specified.

This bill would require the State Department of Social Services or a licensed adoption agency to so advise the parent verbally and in writing, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 774 (AB 3572) Alatorre. Schools. capital outlay: revenue bonds.

Existing law, under the State School Building Lease-Purchase Law, provides for the construction, remodeling, or replacement of existing school buildings and for the acquisition of new school sites and buildings for the purpose of making them available to school districts. Existing law further authorizes districts to enter into leases and agreements relating to buildings to be constructed on district property by, and to be used jointly by, the district and any private person, firm, or corporation, as specified.

This bill would authorize a school district to issue for sale revenue bonds to finance the construction of joint occupancy facilities, as prescribed in existing law, which facilities are necessary to relieve overcrowded schools The bill would, among other things, require the facilities to be constructed on district-owned property

Ch. 775 (AB 2834) N. Waters. Cal-Vet: disabled veterans and home improvement loans

Existing law provides for the acquisition of farms and homes by the Department of Veterans Affairs for sale to qualified veteran purchasers pursuant to the Veterans' Farm and Home Purchase Act of 1974. Existing law also authorizes the department to make advancements to purchasers out of money available therefor for home improvements.

This bill would direct the department to set aside $10,000,000 from the proceeds of the first sale of general obligation bonds after January 1, 1983, for home improvement loans to veteran purchasers who have a 10% or greater service-connected disability.

The bill would also direct the department to comply with federal laws or regulations on mortgage subsidy bonds as necessary to maintain the tax exempt status of the bonds sold and used for these purposes

Ch 776 (SB 483) Speraw. Driver's licenses.

(1) Existing law provides for licensing any person who drives a motor vehicle in this state. Unless otherwise limited, a driver's license expires on the 4th birthday following the date of application or the date of prior license expiration, but may be extended for a single 4-year period for a fee of $10, at the discretion of the Director of Motor Vehicles, for licensees who meet specified qualifications.

This bill would revise the license extension provisions to instead authorize the director to renew by mail, for not more than 2 successive 4-year periods, for a fee of $10, driver's licenses expiring on or after January 1, 1983, for licensees, not holding a probationary license, who meet those qualifications.

The bill would authorize the director to establish a demonstration program to evaluate the effects of renewing driver's licenses by mail and, as part of the demonstration program, to renew by mail licenses expiring on or after January 1, 1983, for licensees who meet the stricter qualifications, as specified. The program would terminate when the department's evaluation is completed or at any time the department determines that the program has an adverse impact on traffic safety.

The department would be required to monitor and conduct a study on the effects of license renewal by mail under the license renewal and license renewal demonstration program and to submit an interim report to the Legislature not later than January 1, 1986, and a final report to the Legislature not later than March 1, 1989, on both programs.

(2) Existing law authorizes the Department of Motor Vehicles to issue driver's licenses to minors.

This bill would authorize the director, operative July 1, 1983, to establish a demonstration program to evaluate the traffic safety effects of issuing a provisional driver's license to persons under 18 years of age. The demonstration program could include any or all, but would not be limited to, specified components

The bill would require the department, if the demonstration program is established, to conduct a study on the traffic safety effects of the program, authorize the department to terminate the program if the department determines that the program has no substantial beneficial impact on traffic safety, and require the preparation and submission to the Legislature of an interim report of the study on or before July 1, 1986, and a final report on or before December 31, 1988. The bill would require the department to recommend termination of the demonstration program and permit it to discontinue issuing provisional licenses if the final report does not establish that the program has had a substantial beneficial impact on traffic safety and would require the department to continue the demonstration program until its effect on traffic safety can be conclusively determined if the final report results are not adverse and, as of the date the final report is required to be submitted, are not yet conclusive. The bill would require continuance of the program as a provisional license program if the final report indicates substantial beneficial impact on traffic safety and would require that periodic evaluations of the program be conducted

(3) Under existing law, any person issued and having in his or her immediate possession an instruction permit may operate a motor vehicle under specified conditions, which include being accompanied by a California licensed driver 18 years of age or over whose driving privilege is not on probation.

This bill would authorize, notwithstanding that existing law, the inclusion in the program of a component which requires that any person issued and having in his or her immediate possession an instruction permit issued after June 30, 1983, may operate a motor vehicle, other than a motorcycle or motorized bicycle, only if accompanied by a licensed driver who is 25 years of age or older whose driving privilege is not on probation, with specified exceptions.

Ch. 777 (AB 3640) Leonard. Mobilehome parks

Existing law provides that a mobilehome park tenancy may be terminated only for several specified reasons, including a tenant's failure to comply with a reasonable rule or regulation of the mobilehome park, but written notice of the alleged rule or regulation must be given to the tenant before the tenant's act or omission constitutes a failure to comply with that rule or regulation.

This bill would provide that if a tenant has been given a written notice of an alleged violation of the same rule or regulation on 3 or more occasions after the tenant has violated that rule or regulation, no written notice is required for a subsequent violation of that rule or regulation.

This bill would make additional changes in Section 798.56 of the Civil Code, proposed by AB 2429, if this bill and AB 2429 are both chaptered and this bill is chaptered last.

Ch. 778 (SB 1328) Davis. Youth Authority

Existing law provides that a person honorably discharged from control by the Youthful Offender Parole Board may petition the court which committed him or her to set aside the verdict of guilty. The granting of such a petition removes any employment disqualifications, except that the person is not eligible for appointment as a peace officer, except for the Department of the Youth Authority, if the appointment is also prohibited by Section 1029 of the Government Code, which disqualifies those convicted of a felony from employment as a peace officer.

This bill would provide that an honorably discharged person is ineligible for appointment as a peace officer at any public agency, including the Department of the Youth Authority, if he or she would be otherwise disqualified by Section 1029 of the Government Code. However, such an honorably discharged person could nonetheless be eligible for appointment as a peace officer for the Department of the Youth Authority if he or she has had no misdemeanor or felony convictions, except traffic misdemeanors, during the 5 years since discharge, or was employed by the Department of the Youth Authority on or before January 1, 1983. The bill would further provide that no person under the jurisdiction of the Department of the Youth Authority shall be admitted to an examination for a peace officer position with the department until honorably discharged from the jurisdiction of the department by the Youthful Offender Parole Board

Ch. 779 (AB 2917) Vasconcellos Wellness and physical fitness.

Existing law does not contain specific provisions advocating wellness and physical fitness.

This bill would: establish the Wellness and Physical Fitness Act; make certain legislative findings and declarations concerning wellness and physical fitness, and create in the office of the Governor a Council on Wellness and Physical Fitness with duties as specified.

Ch. 780 (AB 2875) Thurman. Irrigation district watermaster service.

(1) Under existing law, the Department of Water Resources is authorized, in accordance with prescribed requirements, to appoint watermasters to provide watermaster service within a service area.

This bill would authorize an irrigation district, which includes land for which a watermaster has previously been so appointed by the department, to elect to appoint one or more watermasters to regulate the use of water within the district. A watermaster so appointed would have substantially the same powers as a state watermaster.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 781 (SB 1566) Johnson. Commercial vehicles: federal highway users tax.

Under existing law, the Director of Motor Vehicles is required to enforce the provisions of the Vehicle Code relating to the Department of Motor Vehicles and is authorized to adopt rules and regulations for this purpose.

This bill would authorize the director to enter into an agreement with the Internal Revenue Service for a pilot project for state collection of the federal highway users tax

on commercial vehicles, after a determination is made by the director of the feasibility and effect on the state, as specified, of the agreement. The bill would authorize the pilot project to include, but not be limited to, refusal of registration by the department for nonpayment of the tax as provided under the agreement. The department would be required to report to the Legislature on December 1, 1984, and each December 1 thereafter, on the program until the pilot project is completed if the director determines that entering into the agreement would not compromise the interests of the state.

The bill would repeal these provisions on January 1, 1988.

Ch. 782 (SB 1543) Russell State Teachers' Retirement System· generally

The State Teachers' Retirement Law defines "final compensation".

This bill would add to the definition of "final compensation" an authorization for the board to specify a different final compensation with respect to certain disability and family allowances and requiring related earnable salaries to be adjusted by a specified ratio, and would include a statement that these changes are declaratory of existing law.

Existing law does not provide, when the estate is the beneficiary and the estate need not be probated, for the distribution of benefits by direct payment without probate to survivors of a member.

This bill would add such a provision

Existing law specifies the conditions under which disability allowances may be authorized.

This bill would add the condition that the application is not because of a physical or mental condition existing at the time the most recent system membership commenced and remaining substantially unchanged at the time of application

Ch. 783 (SB 1408) Marks. Vehicles: environmental plates

Under existing law, the fee for duplicate license plates is $7; in addition to the regular registration fee, the fee for the original issuance of environmental license plates is $25; and, in addition to all other appropriate fees, the fee for the transfer of environmental license plates is $12.

This bill would increase the fee for a duplicate environmental license plate to $30, the fee for original issuance of environmental license plates to $35, and the fee for the transfer of these plates to $20.

Ch. 784 (SB 2041) Montoya. Boxing and wrestling.

Existing law exempts from the licensing and other regulatory provisions pertaining to boxing and wrestling any amateur boxing or wrestling contest conducted by a nonprofit organization, as defined, to which an admission fee is not charged, or if an admission is charged, it is subject to the approval of the State Athletic Commission, but only if the entire net proceeds are used for contestant expenses, equipment or medical expenses, or other reasonable necessary expenses Existing law also requires the nonprofit corporation which charges a fee to file a statement of revenues and expenses from the contest, within 90 days, with the State Athletic Commission.

This bill would make the existing provisions of law applicable to all amateur boxing, full contact karate, and wrestling contests where any contestant receives any financial remuneration beyond out-of-pocket expenses or where an admission fee is charged or where the contest is used to attract customers for any remunerative purposes, including donations It would permit the State Athletic Commission to authorize a boxing association to administer its own rules and permit waiver of applicable laws and rules, subject to an affirmative finding that the standards and enforcement of such rules by that association meet or exceed the safety and fairness standards of the commission. It would require, in addition to furnishing a written financial report of receipts, payment to the commission of $50 as an administrative regulation fee within 72 hours after a scheduled amateur event has been held

Under existing law, the commission is required to promulgate rules and regulations requiring a disability insurance program for amateur boxers, if feasible, when the amateur boxers are performing on the same program as the professional boxing contest, sparring match, or exhibition, as specified

This bill would delete those provisions and instead require amateur boxing contests to have a disability program in effect which is provided by the amateur club or the

recognized nonprofit association covering all contestants.

Existing law requires, with specified exceptions, every boxing and wrestling club licensed by the State Athletic Commission to pay a specified admission tax based on the amount paid for admission and broadcast or television rights but in no case shall the tax be less than $25.

This bill would instead provide that in no case shall the tax be less than $50.

The bill would make various other related changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 785 (SB 1470) Marks Schools: school science laboratories. hazardous materials.

Existing law permits the governing board of any school district to provide for the proper health supervision of school buildings and pupils enrolled in the school.

This bill contains findings and declarations of the Legislature relating to safety in school laboratories

This bill would specifically permit the governing board of any school district to request onsite consultation services from the California Occupational Safety and Health Consultation Service to ensure hazardous materials are being used and stored safely in school laboratories.

This bill would specify that its provisions shall not be construed to impose any change in the duty of care required of school districts.

Ch 786 (SB 1509) Keene Unclaimed property.

Under existing law, the term "employee benefit trust distribution" is defined for the purposes of the Unclaimed Property Law to include any tangible property which is distributable from a trust or custodial fund established under a plan to provide health and welfare, pension, vacation, severance, retirement benefit, death benefit, stock purchase, profit sharing, employee savings, supplemental unemployment insurance benefits or similar benefits.

This bill would change the term to "employee benefit plan distribution." The bill would make related changes to various provisions of the Unclaimed Property Law.

Existing law does not specifically provide for the circumstances under which funds held by a business association in an individual retirement account or retirement plan for self-employed individuals will escheat to the state as unclaimed property.

This bill would provide that the funds held by a business association in an individual retirement account or under a retirement plan for self-employed individuals will escheat to the state when the owner has not, for more than 7 years after the funds have become payable or distributable, taken action or corresponded with respect to such funds, as specified. The bill would further provide that funds held in such an account or under such a plan would not be payable or distributable unless, under the terms of the account or plan, distribution of all or a part of the funds would then be mandatory.

Ch. 787 (SB 1522) Stiern Dairy products plants: license fees.

(1) Existing law requires dairy products plants to be licensed and sets fees for each type of license.

This bill would increase these fees by specified amounts.

The funds generated from these increased fees would be deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund, and thus the bill would make an appropriation.

(2) Existing law defines and regulates the production and sale of filled products.

This bill would repeal the definition of a filled product and instead authorize the use of the phrase "filled product" when referring to an imitation milk product. The bill would also authorize the Director of Food and Agriculture to establish other names by which an imitation milk product may be referred.

(3) Existing law defines and uses the phrase "trade products" to mean nondairy products and filled products.

This bill would delete the reference to the phrase "trade products."

(4) Existing law prescribes the contents of imitation milk products

This bill would repeal these specifications and instead provide that "imitation milk product" means a product resembling a milk product and would require the director to adopt regulations providing for the healthfulness and purity of products resembling milk products.

(5) Existing law authorizes the director to establish, upon the application of any interested person, definitions and standards of identity for any trade product or group of trade products, if he or she finds that the establishment of the standard would be in the public interest

This bill would repeal this specific authorization to promulgate regulations.

(6) Existing law requires any person engaged in the manufacture of products resembling milk products to register the products with the Department of Food and Agriculture with an application accompanied by a fee of $5 Existing law does not specify an expiration date for the registration

This bill would increase the fee to $25 which would be deposited in the Department of Food and Agriculture Fund The bill would also specify that each registration expires on December 31 of the second year after it was approved and may be renewed for 2 years by payment of a fee of $10 which would also be deposited in the Department of Food and Agriculture Fund

(7) Existing law prescribes the labeling requirements of containers which contain a product resembling a milk product.

This bill would revise those requirements and in specific instances require that a federal labeling system be used

(8) Under existing law, a violation of the provisions relating to products resembling milk products is a misdemeanor

This bill would further authorize the director to bring an action for specified civil remedies and penalties for the violation or threatened violation of a law or regulation relating to products resembling milk products.

(9) The bill would make other related conforming changes to laws regarding products resembling milk products

(10) Existing law generally purports to prohibit a person serving food in a restaurant from placing before a patron or employee any product resembling a milk product unless there is displayed a sign stating that "beverages and products which are not milk products are served here," or those words are contained in the menu, as specified. This law has been held to be unconstitutional by the Court of Appeal of California.

This bill would repeal the above provision and, instead, make it a misdemeanor for any restaurant or any other place where food is served to the public for consumption on the premises to misrepresent products resembling milk products as milk products

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 788 (SB 1529) Boatwright Public contracts

Existing law, among other things, requires that provisions shall be included in any invitation for bid and in any contract documents to permit the substitution of securities for any moneys withheld by a public agency to ensure performance under the contract.

Existing law also requires that at the request and expense of the contractor, the security equivalent to the amount withheld shall be deposited with a specified third person and that the moneys withheld shall be paid to the contractor upon satisfactory completion of the contract.

This bill would require, instead, that upon deposit of securities by a contractor, the moneys withheld shall be paid to the contractor and that upon satisfactory completion of the contract, the securities deposited shall be returned to the contractor.

The bill also would transfer the above provisions, which relate to the State Contract Act, from the Government Code to the Public Contract Code.

In addition, the bill would make legislative declarations concerning contracts made outside the State Contract Act and, with regard to those contracts, would include chartered cities in the term "public agency."

This bill would take effect immediately as an urgency statute.

Ch. 789 (SB 1538) Ayala. Motor vehicles.

(1) Under existing law, a new motor vehicle first registered in this state after January 1, 1940, is required to be equipped with power brakes if its gross weight exceeds 14,000 pounds, except as specified.

This bill would require any new or used motor vehicle first registered in this state after January 1, 1940, to be equipped with power brakes if its gross weight exceeds 14,000 pounds, except as specified.

(2) Existing law requires the Department of the California Highway Patrol to regulate the safe operation of, among others, trailers, semitrailers, pole or pipe dollies, auxiliary dollies, and logging dollies used in combination with motortrucks of 3 or more axles, truck tractors, buses, and schoolbuses

This bill would require the department to also regulate the safe operation of youth buses, trailers and semitrailers designed or used for the transportation of more than 10 persons, and the towing motor vehicle.

(3) Violations of certain safety regulations adopted by the Department of the California Highway Patrol are infractions, except that violations of provisions regarding hours of service of drivers, hazardous materials transportation, and schoolbus construction, design, color, equipment, maintenance, or operation are misdemeanors.

This bill would, in addition, authorize the department to submit a request for a civil action to be brought by the Attorney General to enjoin any violation of these safety regulations where a person charged therewith fails to take corrective action after being notified of the violation by the department in writing on at least two occasions within a 60-day period. The bill would also require that, prior to the submission of the department's request for civil action by the Attorney General, the person charged, upon his or her request, receive a departmental hearing on the matter and that the department's request for civil action be forwarded to, and approved by, the Commissioner of the California Highway Patrol

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 790 (SB 1550) Johnson. Domestic water supply systems

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law. Chapter 322 of the Statutes of 1978 authorizes the use of bond proceeds for the grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources.

This bill would authorize grants not to exceed specified amounts from the California Safe Drinking Water Fund to specified entities, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection. The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with specified provisions of law

The bill would also provide that the remaining funds available for purposes of the California Safe Drinking Water Grant Program not subject to a letter of commitment

by the Department of Water Resources as of June 15, 1982, shall be provided to those agencies selected by the Department of Water Resources and the State Department of Health Services from among those for which the Legislature has specifically approved grants The bill would make legislative findings in this connection and would specify related matters

The bill would take effect immediately as an urgency statute

Ch 791 (SB 1553) Speraw Vehicle manufacturers, transporters, dealers, and salesmen· managerial employees

(1) Under existing law, the Department of Motor Vehicles licenses vehicle manufacturers, distributors, transporters, dealers, and salesmen and may refuse to issue a license if the applicant was previously the holder of, or a partner, stockholder, officer, or director in a partnership or corporation with, a revoked license never reissued or a suspended license and the terms of suspension have not been fulfilled and may refuse a license to a partnership or corporation with those persons.

This bill would authorize the department to refuse a license to an applicant who was a managerial employee, as defined, of a holder of a revoked or suspended license This bill would also include a managerial employee, as defined, and proprietor in the same category as a partner, stockholder, director, or officer of a partnership or corporation under the term "representative," as defined in the bill, for purposes of license refusal or license discipline and would specifically require under the definition of "representative" that a department refusal to license an applicant be based upon the acts of an applicant or representative involving the active management, direction and control of a business, as defined This bill would include a proprietorship in the same category as a partnership or corporation under the term "business," as defined in the bill, for purposes of license refusal or license discipline

(2) Existing law authorizes the department to suspend or revoke the license issued to a vehicle manufacturer, distributor, transporter, or dealer if it determines that the licensee, among other things, has caused any person to suffer any loss or damage by reason of fraud, as specified, in the sale or purchase of a vehicle or vehicle parts or accessories

This bill would limit this ground for license suspension or revocation to fraud, as specified, in the course of licensed activity

(3) Under existing law, the department is authorized to refuse to issue, or suspend or revoke, a vehicle salesman's license if it determines that the applicant or licensee has engaged in certain proscribed activities.

This bill would authorize the department to refuse to issue, or suspend or revoke, a vehicle salesman's license if it determines that the applicant or licensee was a managerial employee, as defined, of a vehicle dealer during the time a person under control of the managerial employee committed violations which resulted in the suspension or revocation of the vehicle dealer's license

Ch 792 (SB 1555) Speraw Vehicles· fleet registration. commercial trailers

Existing law, with certain exceptions, authorizes any person engaged in operating fleets of 3 or more commercial vehicles in this state in interstate commerce to obtain fleet registration.

This bill would require the Department of Motor Vehicles to implement a pilot program for the permanent fleet registration of commercial trailers proportionately registered and base plated in this state, commencing with the 1984 registration year through December 31, 1985 The department would be required to submit a report to the Legislature on or before June 30, 1985, and during 1986, on the program

Ch 793 (SB 1557) Foran Vehicles noise limits

(1) Existing law establishes noise limits applicable to various types of motor vehicles Some of these limits are applicable to the operation of motor vehicles, and others are applicable to new motor vehicles at the time of their initial registration by the Department of Motor Vehicles.

With respect to state law prohibiting the initial registration of new motor vehicles exceeding specified noise limits, the noise limits are prescribed for motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) of 6,000 pounds or more, based

upon the date of manufacture, as specified An 83 dbA limit is applicable to new motor vehicles manufactured after 1977 and before 1982 with a GVWR of more than 8,500 pounds.

This bill would make the 83 dbA limit, which is applicable to new motor vehicles manufactured after 1977 and before 1982 with a GVWR of more than 8,500 pounds, applicable to new motor vehicles manufactured after 1981 and before 1986 with a GVWR of more than 10,000 pounds and would specify a lower decibel limit of 80 dbA for new motor vehicles with a GVWR of more than 10,000 pounds manufactured after 1985.

The bill would make the 80 dbA limit, which is applicable under existing law to new motor vehicles with a GVWR of more than 8,500 pounds manufactured after 1981, applicable to new motor vehicles with GVWR of more than 8,500 pounds, but not more than 10,000 pounds, manufactured after 1981

The bill would also make various conforming and technical changes

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 794 (SB 1565) Johnson Vehicles: nonresident permits

(1) Existing law prohibits a person from engaging in the business of soliciting or receiving any application for the registration, reregistration, or transfer of registration of any vehicle of a type subject to registration, or for any nonresident permit for the operation of any such vehicle within the state, or for a driver's license, or of transmitting or presenting any of these documents to the Department of Motor Vehicles or any branch office thereof, when any compensation is solicited or received for the service. This prohibition does not apply to a common carrier acting in the regular course of its business in transmitting the applications, nor to an agency or bureau if the department is informed in writing by the person represented that the agency or bureau is his or her representative and the department has granted permission to the agency or bureau to act as such representative

This bill would exempt from the coverage of these provisions a person who solicits applications for or sells for profit nonresident permits for the operation of vehicles within the state

(2) Existing law provides for issuance of trip permits by the Department of Motor Vehicles to operate in this state for a period of 4 consecutive days commencing with the day of first use, and 3 consecutive days thereafter, for certain commercial vehicles meeting registration requirements of a foreign jurisdiction which would otherwise be subject to registration in California.

Existing law prohibits use of a trip permit by, among others, any vehicle owned by a California resident unless leased to a carrier based in a foreign jurisdiction and operated pursuant to requirements of the Interstate Commerce Commission or the Public Utilities Commission

Existing law also requires the issuance by the Board of Equalization of diesel fuel permits for these commercial vehicles

This bill would require that the temporary registration or trip permit include the diesel fuel permit number issued by the Board of Equalization Any temporary registration or trip permit for a diesel power unit which does not include this information would be invalid, and would subject the operator to citation pursuant to existing law All fees for registration of vehicles would be due upon the issuance of such a citation, unless the person in whose name the permit was issued, can produce proof of issuance of a California fuel tax permit prior to the date of the violation

The bill would revise the prohibition against the use of a trip permit by any vehicle owned by a California resident unless leased to a carrier based in a foreign jurisdiction and operated pursuant to Interstate Commerce Commission or Public Utilities Commission to instead prohibit the use of such a permit by any vehicle based within this state, as specified, and operated by a person having an established place of business within this state.

The bill would require that the information concerning any diesel fuel tax permit issued by the Board of Equalization be included in an application for the operation of commercial vehicles in interstate commerce

The bill would also authorize the Commissioner of the California Highway Patrol to enter into an interagency agreement with the Board of Equalization for the purpose of enforcement of statutes requiring commercial vehicles from foreign jurisdictions to have a diesel fuel tax permit and to make payments to the board as required.

(3) Under existing law, the Reciprocity Commission is authorized, until July 1, 1983, to enter into pilot program agreements with other jurisdictions to provide for proportionate registration and licensing of vehicles.

This bill would extend the duration of that pilot program to January 1, 1985.

(4) The bill would make additional changes in Section 4004 of the Vehicle Code proposed by SB 1404 to be operative only if this bill and SB 1404 are both chaptered and this bill is chaptered after SB 1404.

(5) The provisions of the bill would become operative only if SB 1555 is chaptered and takes effect on or before January 1, 1983

Ch. 795 (SB 1616) Johnson. Channel clearing and desnagging.

Under existing law, there is no special program for channel clearing and desnagging in state waterways.

This bill would authorize the Reclamation Board, other state agencies, cities, counties, and districts to cooperate with one another and with agencies of the United States in the performance of channel clearing and desnagging work within the Sacramento and San Joaquin Rivers and their tributaries, and to furnish money, services, equipment, and other property to that end The bill would require the board, as appropriate, to consult with specified state agencies. The bill would make related legislative findings and declarations

The bill would make available to the Reclamation Board for expenditure for purposes of the bill a sum equal to 10% of the amount appropriated in a specified item of the Budget Act of 1982 to the Department of Water Resources Any portion of that amount available, but not expended during the 1982–83 fiscal year, would be authorized to be expended during the 1983–84 fiscal year for those purposes.

The bill would take effect immediately as an urgency statute.

Ch 796 (SB 1637) Mello California State University. personnel

Existing law requires all vacant nonacademic positions offered by the California State University to be filled from qualified nonacademic employees serving in lower positions in the same or related series, as far as practicable and consistent with the best interest of that institution

This bill would, instead, require the California State University to fill all vacant or newly established nonacademic positions from qualified nonacademic employees currently employed by the university, as far as consistent with federal, state, and campus affirmative action guidelines and the best interests of the California State University

Ch. 797 (SB 1657) Mills Building standards hot water heaters

(1) Existing law does not require electric hot water heaters which have a timer with an on-off switch

This bill would require, on and after January 1, 1985, that all electric hot water heaters which have a storage capacity in excess of 20 gallons and which are installed in newly constructed condominiums or residential homes which have not been previously occupied, to have such a timer, as prescribed

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 798 (SB 1669) Johnson. Health services. Children's Services Act.

Under existing law, the State Department of Health Services is required to administer a program of services for physically defective or handicapped persons under 21 years of age, known as the California Children's Services Program

This bill would prohibit the department from denying a hospital's request to provide treatment to a burn victim who is otherwise eligible under this program solely on the basis that the hospital does not have separate facilities for child and adult burn victims, provided that the hospital has approval from the department to operate a burn center. The bill would provide that these provisions shall only be applied to burn units located in hospitals where there are no regional burn centers, or any other existing burn center, within an 85-mile radius of the hospital.

The bill would also provide that those provisions shall apply only if the hospital seeking the exemption had a state-approved burn center in operation on January 1, 1982, and if there is no hospital specializing in children's services within an 85-mile radius of the hospital which seeks the exemption.

Ch 799 (SB 1711) Holmdahl. Transportation local alternative transportation improvement program.

Existing law requires designated transportation planning agencies annually to prepare and adopt a regional transportation improvement program and to transmit it to the California Transportation Commission and the Department of Transportation The department is required annually to submit a proposed state transportation improvement program to the commission. The commission is required annually to adopt a 5-year state transportation improvement program which is consistent with its estimate of available revenues

This bill would authorize a city, county, county transportation commission, or transportation planning agency, as specified, or the department upon request, to file with the commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county which was to be served by a planned state transportation facility Following a review process involving the transportation planning agency and the department, the commission would have the authority to approve a local alternative transportation improvement program for inclusion in the state transportation improvement program. The commission would be prohibited from approving any local alternative transportation improvement program submitted after January 1, 1986 At the time of approval, the commission would be required to authorize the department to sell excess properties originally purchased for the planned facility at prevailing fair market price, except that any properties required for the local alternative transportation improvement project may not be sold The bill would exempt the rights-of-way sales from provisions requiring residential property to be sold according to a specified priority and would require proceeds of the right-of-way sale to be allocated by the commission, notwithstanding the current statutory allocation formulae, to fund the approved local program. The above provisions would not apply to highways in the National System of Interstate and Defense Highways.

The bill would require the local alternative transportation improvement program to provide relocation assistance, as specified, and to provide replacement housing units for persons and families of low or moderate income at an affordable housing cost. It would prohibit expenditure of any funds from the State Highway Account in the State Transportation Fund for the housing provisions.

Ch 800 (SB 1810) Maddy Physical therapists

Under existing law, an applicant for licensure as a physical therapist who was issued a diploma by a physical therapy school not located in the United States is required, among other things, to furnish documentary evidence of having received physical therapy education, as specified.

This bill would permit the Physical Therapy Examining Committee to require an applicant to submit documentation of his or her education to a credential evaluations service for review and a report to the committee

Existing law requires a physical therapist who is supervising a physical therapist assistant to be approved by the Physical Therapy Examining Committee

This bill would delete the approval requirement, would delete the fees relating to that requirement, and would make related changes

The bill would specifically provide that a supervising physical therapist shall be re-

sponsible for the extent, kind, and quality of services provided by a physical therapist assistant under his or her supervision.

Under existing law, a license or approval issued under the Physical Therapy Practice Act expires and becomes invalid at 12 midnight on the last day of February of each even-numbered year if not renewed.

This bill would provide instead that a license or approval shall expire at 12 midnight on the last day of the birth month of the licensee or holder of an approval during the second year of a 2-year term, if not renewed.

Ch 801 (SB 1839) Roberti. Governor's appointments.

(1) Under existing law, when an office, the appointment to which is vested in the Governor and Senate, either becomes vacant or the term of the incumbent expires, the Governor may appoint a person to the office The Governor is required to inform the Senate, or Secretary of the Senate if the Senate is in recess or adjourned, as to the date when the person is to first begin performing the duties of the office.

This bill would specify that the Governor may also reappoint the incumbent after the expiration of the term. The Governor would have 60 days after the expiration date to reappoint the person, and if the incumbent is not reappointed within that time the office would be deemed to be vacant The Governor would be required to submit the name of the person appointed within 60 days after a new appointee first began performing the duties of the office, or if an incumbent is reappointed, within 90 days after the expiration of the term The Governor would also be required to include the effective date of the appointment or reappointment If the notice is not provided, within the specified time, the office would be deemed to be vacant

(2) Under existing law, if the Senate fails to confirm within 365 days after the day the person first began performing the duties of the office, the person may not continue to serve in that office, and the office for which the appointment was made shall be deemed to be vacant as of the first day immediately following the end of the 365-day period If, however, the Senate refuses to confirm the appointment, the person may continue to serve in that office until 60 days have elapsed since refusal or until 365 days have elapsed since the person first began performing the duties of the office, whichever occurs first. No person holding an office deemed to be vacant is permitted to continue to discharge the duties of the office, and the Governor is precluded from reappointing that person to the same office for a period of 12 months after the time the office is deemed to be vacant

This bill would specifically make the above provisions applicable with respect to an incumbent who is reappointed to the same office after the expiration date of the term, and would change the above described 12-month period to a period of 365 days.

(3) For purposes of the above provisions, the bill would provide that for any person whose term of office expires prior to Senate confirmation, and who is reappointed, the time served prior to, as well as after, the expiration date of the prior term shall be counted. In addition, for any person who resigns an office prior to confirmation and who is reappointed to that office within 365 days, the time served prior to, as well as after, the resignation would be counted However, a subsequent appointment more than 365 days since the person last served in that office would be considered a new appointment, and not a reappointment. The bill would also specify that the term "office" includes every position on a body or entity having more than one member.

(4) The bill would make an exception with respect to the time within which certain incumbents would be required to be reappointed by a newly elected Governor.

Ch 802 (SB 1845) Foran Relocation assistance. replacement dwellings.

Under existing law, public entities are required to pay relocation assistance to persons displaced by the entities' acquisition of real property Relocation assistance includes, among other payments, an amount to compensate the displaced owner for any increased interest costs which he or she is required to pay for financing the acquisition of a comparable replacement dwelling

This bill would revise the formula for determining the amount of any increased interest costs.

Ch. 803 (SB 1885) Ellis. Counties. sale of advertising space.

Existing law does not expressly authorize counties to sell advertising space on county property.

This bill would authorize a county board of supervisors, by ordinance, to provide for and regulate the sale of advertising space on county real or personal property for revenue purposes.

This bill would also require the advertising to comply with the provisions of the Outdoor Advertising Act which govern the placing of advertising displays within view of highways located in certain specified areas of this state

Ch. 804 (SB 1893) Stiern. Dairy products.

(1) Under existing law, ice cream, ice milk, and sherbet may contain not more than 0.5% stabilizer nor more than 0.2% emulsifier.

This bill would repeal these provisions and instead provide that the federal standards for safe and suitable nonmilk-derived ingredients in ice cream, ice milk, and sherbet shall apply.

(2) Existing law regulates the contents and labeling requirements of fruit yogurt.

This bill would delete the references to "fruit" yogurt and instead designate this type of yogurt as "bulky flavored" yogurt. The bill would make other related changes to laws regulating fruit yogurt, including changes in labeling requirements.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 805 (SB 1903) Ellis Real property. delinquent assessments and charges.

Under existing law, the owner of a subdivision lot or unit in a planned development, community apartment project, condominium project, stock cooperative, time-share project, or limited-equity housing cooperative, as defined, is required to provide a prospective purchaser with a copy of the declaration of restrictions, bylaws, and articles of incorporation affecting rights to the property being offered for transfer.

This bill, in addition, would require the owner to provide a prospective purchaser with a true statement of the amount of any delinquent assessments and information relating to penalties, attorney's fees, and other charges, as specified, on the lot or unit as of the date the statement is issued

Under existing law, the governing body of a subdivision, planned development, community apartment project, condominium project, stock cooperative, time-share project, or limited-equity housing cooperative, as defined, is required, upon written request, to provide the owner of the lot or unit with a copy of the applicable declaration of restrictions, bylaws, and articles of incorporation.

This bill, in addition, would require the governing body to provide the owner of a lot or unit with a written statement of any delinquent assessments, penalties, attorney's fees, and other charges, as specified, on the lot or unit

Ch 806 (SB 1916) Ayala Wildland fire prevention: hazardous fire zones.

(1) Under existing law, the Director of Forestry is required, for the purpose of preventing the ignition and rapid spread of wildfire, to designate hazardous wildland fire zones in state responsibility areas which include locations which are critical and hazardous due to the threat of encroaching wildland fire to life and property and to identify fire hazard severity classes within those zones The director is required to transmit the designations to the board of supervisors of each affected county.

This bill would repeal and substantially reenact those provisions to provide a statement of purpose and intent, to require the director to designate the zone and assign a severity rating, by regulation, and to require the director to transmit the designation to the board of supervisors of each affected county at least 45 days prior to the effective date of the regulation.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 807 (SB 1925) Foran. State highways construction

The Department of Transportation has full possession and control of all state highways and is authorized to lay out and construct state highways. A city is authorized to aid in the construction, improvement, or maintenance of any state highway within its boundaries

This bill would authorize a city or county to enter into a cooperative agreement with the department to fund the construction or improvement of a state highway segment located, in whole or in part, within its jurisdiction. The project would be constructed by the department when included in the state transportation improvement program. Upon completion, the segment would be part of the state highway system and in the possession and control of, and operated and maintained by, the department.

Ch 808 (SB 1948) Robbins. State public works.

Existing law requires that, with the approval of the Department of Finance, all money appropriated, contributed, or made available from any source for expenditure on work by the Department of General Services for construction, alteration, repair, and improvement of state buildings, shall be deposited in the Architecture Revolving Fund

This bill would provide that money from state sources which is deposited in the fund for major construction shall be limited to the amount necessary based on receipt of competitive bids, and any excess amounts shall be transferred to the credit of the fund from which the appropriation was made. It would also make conforming changes in related provisions of law.

Under existing law, the State Public Works Board is established, with specified membership, to generally determine if construction, improvements, and the purchase of equipment shall be undertaken in conjunction with state public works projects.

This bill would require the board to meet at least twice each month for the purposes of reviewing and making decisions on projects for construction or improvements The board would be authorized to meet more infrequently if it determines that its workload level is sufficiently low that it is able to carry out the bill's requirements without meeting at least twice each month.

The bill would provide that no board action is required on any project for any of the project phases of acquisition of equipment, preliminary surveys, studies, planning, or preliminary plans. The bill would further provide that no money appropriated in the annual budget act, other than amounts needed for the phases named above, for any major capital outlay project may be expended by any state agency until the board has approved the completed preliminary plans for the project It would prohibit a change in the scope of a project without the written approval of the Department of Finance. The board's review of preliminary plans would be required to ensure that projects proceeding into the working drawing and construction phases are consistent with the legislatively approved cost and scope, and carried out with all due speed and diligence

The board would also be required under the bill to provide an oversight and ongoing review of each project subject to its jurisdiction, and would be authorized to impose reasonable conditions with regard to any particular project, such as reasonable deadlines in accordance with applicable contracts, upon the state agency conducting the project In order to enable the board to carry out its duties of oversight and review, the state agency conducting the project would be required to submit a quarterly report, to include, but not be limited to, the progress of the project with respect to its anticipated schedule, scope, and projected expenditure of funds.

The bill would state various legislative findings and declarations regarding its provisions

Finally, this bill would be repealed pursuant to its own provisions on January 1, 1988, unless a later enacted statute, chaptered on or before January 1, 1988, deletes or extends such date

Ch. 809 (SB 1956) Alquist. Financial affairs. local agencies.

Existing law does not contain a provision authorizing interest earned on bail money deposited in a bank account to be allocated for the support of the courts in the county, if the board of supervisors so directs.

This bill would so provide

Ch. 810 (SB 2004) Beverly Death· Uniform Determination of Death Act confirmation of death.

Existing law defines death, requires confirmation by a physician of a pronouncement of death, requires independent confirmation of death by a 2nd physician for purposes of the Uniform Anatomical Gift Act, and requires the maintenance of patient medical records when a person is pronounced dead.

This bill would repeal those provisions and enact the Uniform Determination of Death Act, which would change the definition of death in this state so that it is identical to the definition in other states which have enacted the uniform act. It would also enact new provisions relating to the confirmation of death

Ch 811 (SB 2022) Maddy Personal property· landlord-tenant.

Under existing law, a landlord is required to sell at public sale by competitive bidding, as specified, personal property remaining on the premises after a tenancy has terminated and the premises have been vacated and the property is not subsequently claimed by the tenant and released by the landlord, unless the resale of the property not released is reasonably believed by the landlord to have a resale value of less than $100, in which case the landlord may dispose of it in any manner

This bill would increase to $300 the value of unclaimed, unreleased property which may be disposed of by the landlord in any manner the landlord chooses.

Ch 812 (SB 2025) Maddy. Civil procedure

Existing law requires that the party in whose favor a civil judgment is ordered must, at anytime after the verdict or decision, and not later than 10 days after entry of judgment, serve upon the adverse party a memorandum of costs the prevailing party claims

This bill would make the same requirement for a party claiming costs in whose favor a dismissal is granted and would provide, as to both dismissals and judgments, that the memorandum must be served at anytime after notice of the verdict or decision, but not later than 10 days after entry of the judgment or dismissal.

Existing law prescribes the grounds sufficient to grant a temporary restraining order or a preliminary injunction in a civil case

This bill would specifically include in those provisions that a temporary restraining order, or a preliminary injunction, or both may be granted in a class action, whether or not the class has been certified

Existing law prescribes standards of review by a court to apply when a writ of mandate is issued for the purpose of inquiring into the validity of any final administrative order or decision made as a result of a proceeding in which a hearing is required by law to be held Existing law provides that abuse of discretion is established, in cases arising from private hospital boards, if the court determines that the findings are not supported by substantial evidence

This bill would provide the same standard for establishing abuse of discretion by boards of directors of local hospital districts

Existing law requires that when an application is filed for the issuance of any prerogative writ, the application shall be accompanied by proof of service of a copy thereof upon the respondent and the real party in interest

This bill would specify that the service of the application may be pursuant to specified provisions of law which authorize service by mail

Ch 813 (SB 2030) A Garcia Barbers.

Existing law provides that examinations to determine fitness to practice as a barber or as an instructor are to be administered by examiners-field representatives The law provides that the State Board of Barber Examiners may assign additional duties to an examiner-field representative as it deems necessary

This bill would require that the duties of an examiner-field representative are to be limited to the administration of barber, barber instructor, and barber apprentice examinations, inspections of licensed barber shops and schools and the assistance in the proc-

essing of formal disciplinary actions.

Existing law authorizes a barber college to engage various persons, who are not licensed barber instructors, to lecture or demonstrate at the college provided that the person is not engaged for more than 10 class periods per year, each period to be no longer than 5 hours per day and requires any barber college who engages such a person to keep daily specified records relating to the engaged person. Additionally, existing law requires that lectures and demonstrations by the person be confined to the classroom.

This bill would provide that the engaged person shall instruct no more than 5 hours per week without any yearly limitation, would delete the recordkeeping requirement, and would delete the requirement that lectures and demonstrations be confined to the classroom

Existing law provides that the board shall conduct written and oral examinations 4 times per year to ascertain various educational qualifications of applicants

This bill would provide that a written examination shall be conducted two times in the southern part of the state and two times in the northern part of the state.

This bill would limit the examination to clearly job-related questions and would include in the examination subject matter health and safety aspects of consumer protection and implements of barbering It would delete from the subject matter shop management, the history of barbering, and the measuring, fitting and servicing of hairpieces

Ch. 814 (AB 3462) Johnston Schools: vocational education.

(1) Existing law requires the governing board of each high school district and each unified school district to establish and maintain within its boundaries special continuation education classes, and authorizes the governing boards of these districts to establish and maintain regional occupational centers or programs in accordance with specified provisions, whenever there are any minors residing within the district who are subject to compulsory continuation education, with specified exceptions. Existing law specifies that if there is a regional occupational center or program established in accordance with specified provisions within a county, the governing board of any district within that county may enroll minors, otherwise subject to, and in lieu of, continuation education, in the center or program in accordance with the specified provisions of law.

This bill would specify that any minor admitted to a regional occupational center or program under specified provisions of law shall be considered to have enrolled in the regional occupational center or program in lieu of continuation education classes. This bill would specify that a minor shall not be prohibited from enrolling in a program of continuation education or a regular high school program if the minor voluntarily chooses to enroll in the program.

(2) Existing law authorizes the county superintendent of each county and the governing boards of any school districts maintaining high schools in the county to establish and maintain a regional occupational center or regional occupational program, as specified Existing law prescribes standards for the admission of pupils to regional occupational centers or programs

This bill would specify that a regional occupational center or program established and maintained by a county superintendent of schools, school districts, or joint power agencies pursuant to specified provisions of existing law shall admit youths between the ages of 16 to 18 years who are eligible to attend a high school in a school district, but who have not been enrolled on a full-time or part-time basis for a period of more than 3 months during the regular school year, on the same basis as, and applying the same criteria for admission as would be applied to, any pupil enrolled in a high school in a school district who is eligible to attend the regional occupational center or program. This bill would state the intent of the Legislature that pupils admitted to a regional occupational center or program under these provisions be encouraged to return to high school in order to acquire the knowledge and skills necessary to prepare them for adult life

This bill would specify that the average daily attendance of pupils admitted to a regional occupational center or program pursuant to the provisions of this bill shall be computed at the rate of average daily attendance available for high school pupils. This bill would specify that these provisions shall only be operative in a fiscal year for which the Budget Act for that fiscal year limits the amount of funds which may be apportioned for regional occupational centers or programs

Ch 815 (SB 1232) Presley. Automotive repair facility certification.

Existing law provides for the creation within the Department of Consumer Affairs of a Bureau of Automotive Repair, headed by the chief, and an advisory board within such bureau, for the purpose of registering automotive repair dealers, as defined.

This bill would create a voluntary automotive repair facility certification program which would be administered by the bureau, as specified. The bureau would prescribe standards for the certification of an automotive repair facility, as defined, which if met would entitle the facility to display both an emblem and a document of certification on its premises and to appear on a list of certified facilities published and made available to the public by the bureau. The bureau would also prescribe standards for the decertification and recertification of a facility The bill would provide for an appeals process for any adverse decision of the chief regarding certification, as specified.

The bureau would, in support of the program, establish a fee structure for the certification program, which would affect the Automotive Repair Fund, which is continuously appropriated The bill would also make conforming changes.

The bill would further provide that any violation of the provisions of the act by a dealer whose facility has been certified would be grounds only for the decertification of the facility and would not be grounds for the criminal punishment of the dealer.

The bill would become operative on July 1, 1983

Ch 816 (AB 3136) Harris. Public Employees Medical and Hospital Care Act.

A provision of the existing Public Employees Medical and Hospital Care Act authorizes continuation of health benefits coverage for an employee during a leave of absence without pay upon assuming payment of the employer's contribution

This bill would also authorize that continuation during the period between the retirement of a judge and the reception by the judge of his or her retirement pension.

Ch 817 (SB 1570) Robbins. General mutual insurers: meetings

Existing law provides that the presence in person or by proxy of 5% of the members of a general mutual insurer constitutes a quorum for the transaction of all business

This bill would specify the required member vote for the transaction of such business.

This bill would also take effect immediately as an urgency statute

Ch. 818 (SB 1491) Greene California State University auxiliary organizations

Existing law requires that the operation of auxiliary organizations serving the California State University be conducted in conformity with regulations established by the Trustees of the California State University. The trustees are required to implement financial standards which will ensure the fiscal viability of the auxiliary organizations.

This bill would require the trustees to develop and implement guidelines by July 1, 1983, to ensure the fiscal viability of auxiliary organizations classified as foundations for sponsored programs, workshops and institutes, including guidelines which specify how excess reimbursement for indirect costs in connection with the performance of grants or contracts shall be divided between the foundation and the campus of the university which the foundation serves, in a manner consistent with the educational mission of the university

This bill would also require the trustees to develop and implement guidelines by July 1, 1983, to ensure that auxiliary organizations classified as foundations for sponsored programs, workshops and institutes expend discretionary funds in a manner consistent with the educational mission of the state university

Ch. 819 (SB 1690) Watson Podiatry

Existing law establishes the maximum fees to be fixed by the Board of Medical Quality Assurance relating to certificates to practice podiatric medicine

This bill would increase those maximum amounts for certificates to practice podiatric medicine, would authorize an oral examination fee for applicants for a certificate based upon a national board diplomate certificate, which fee is not to exceed the cost of the examination, but in no event would it exceed $150, and would transfer the authority to fix those fees from the board to the Podiatry Examining Committee.

The bill would require an applicant to notify the committee within 30 days if he or she desires not to take the examination in order to be eligible for a refund, as specified.

Existing law provides that the biennial renewal fee for any podiatrist enrolled in an approved residency program shall be 50% of the initial license fee where the license will expire within 45 days after it is issued

This bill would delete that provision.

The bill would make other technical changes

The bill would make additional changes in Section 2435 of the Business and Professions Code, proposed by AB 2396 to be operative only if AB 2396 and this bill are both chaptered, and this bill is chaptered after AB 2396.

Ch. 820 (AB 3286) Bergeson. Schools: capital outlay: State School Building Aid Law of 1952: State-School Lease-Purchase Law of 1976.

(1) Existing law, under the State School Building Aid Law of 1952, provides for conditional apportionments to school districts for the purpose of constructing school buildings and no apportionments become final unless certain conditions relating to the bonded capacity of the districts are met. Any excess apportionments or unencumbered balances in the county treasury are required to be repaid by the districts to the state. Existing law also provides that no interest shall accrue, or become due and payable, on apportionments after 25 years and, at the expiration of 30 years, the unpaid principal shall be canceled

Article XIII A of the Constitution, which generally limits the maximum amount of ad valorem taxes on real property to 1% of the full cash value of the property, except as provided, has prevented the operation of statutes which permitted school districts to levy and collect taxes with which to repay local bonds.

This bill would, notwithstanding the bonded capacity provision of existing law, authorize a school district to apply for, and would require that the district be granted, certain savings in state apportionments or district contributions, or both, including any interest earned thereon, realized on previously authorized and completed projects, which projects have not been reduced to final costs.

This bill would provide that the project savings applied for under the bill shall not be considered excess apportionments or unencumbered balances in the county treasury.

This bill would provide that the grant of project savings shall not extend the repayment period of any prior apportionment for the purposes of canceling the interest and principal payable thereon

(2) Existing law, under the State School Building Lease-Purchase Law of 1976, requires the State Allocation Board to fix the rents for all projects acquired by the board, but not to exceed a specified sum, including the amount of any unencumbered bond funds of school districts.

Existing law, under the State School Building Law of 1952, requires the Director of General Services to determine the eligible bonded debt service of each school district receiving state apportionments under the program

This bill would provide that whenever a school district has applied the proceeds of a sale of local bonds to a lease-purchase project, the redemption and interest charges of the bonds generating the proceeds shall be included in the computation of the eligible bonded debt service of the district

(3) This bill would take effect immediately as an urgency statute.

Ch 821 (SB 1787) Foran Constitutional interest limitations: exemption-public retirement systems.

Existing law, specifically Article XV of the California Constitution which is commonly referred to as the usury law, prohibits any lender of money, other than those specifically exempted, as specified, from charging interest on specified loans at rates greater than is specified and authorizes the Legislature to provide, by statute, for other exemptions.

This bill would exempt public retirement systems from the state's usury law.

Ch. 822 (AB 2640) Deddeh. Vehicles stopping, standing, and parking: school transportation.

(1) Existing law generally prohibits a person from stopping, parking, or leaving standing any vehicle in specified places, including alongside a curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation

This bill would authorize a local authority, upon agreement between a local transit system and a public school district, to permit, by ordinance, schoolbuses owned by, or operated under contract for, that public school district to stop for the loading and

unloading of passengers alongside any or all curb spaces designated for the loading and unloading of passengers of the transit system buses.

(2) Existing law authorizes the Superintendent of Public Instruction to apportion approved home-to-school transportation costs to school districts

This bill would specify that for purposes of meeting the requirements of specified provisions of existing law, the approved home-to-school transportation costs for, and state home-to-school transportation aid received by, the Redding Elementary School District shall be deemed to be $92,000, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis.

Ch. 823 (SB 1828) Keene. Medical Practice Act.

Existing law provides for the awarding of loans by the Division of Licensing of the Board of Medical Quality Assurance to medical students in specified amounts and provides for the repayment of those loans over a period of time. The law provides for the forgiveness of repayment of a loan or a part of a loan for any borrower who engages in the practice of medicine in an area deficient in physician services, as specified.

This bill would delete provisions relating to medical student loans except for provisions relating to the collection and repayment of loans

Existing law provides that it is unprofessional conduct and grounds for disciplinary action (1) for a licensee of the Medical Practice Act to engage in the practice of medicine without displaying in his or her primary place of practice a list of all associates and employees and (2) for failing to notify the Division of Medical Quality of the names and addresses of all associates and employees after a demand for such information, as specified.

This bill would delete (1) and (2) above.

Existing law authorizes medical review committees to, among other things, (1) investigate complaints from the public relating to the unprofessional conduct of a physician, (2) investigate the circumstances of practice of any physician and surgeon where there have been awards of damages paid, due to the physician's and surgeon's error, negligence or omission, as specified, and (3) investigate the nature and causes of injuries from cases of an unusually high number of claims for compensation filed against a physician and surgeon

This bill would transfer the above duties to the Division of Medical Quality

Existing law authorizes medical review committees to establish panels to hear and decide cases relating to consideration of a petition for the modification or termination of disciplinary action taken by the Division of Medical Quality and the quality of medical care provided by physicians and surgeons before a committee and provides that those panels are to consist of 5 committee members, 3 of whom are to be physician members, 1 public member and 1 member who is a nonphysician licentiate of a healing arts board.

This bill would increase the membership of specified panels to 7 by adding a physician member and a member who may be either a public member or a nonphysician licentiate of a healing arts board and authorizes the appointment of members of another committee to a 5-member panel under specified circumstances

Existing law requires a medical review committee or panel to render a decision within 30 days of the conclusion of any hearing conducted by the committee or panel and requires the Division of Medical Quality to act upon proposed decisions within 90 days of receiving a decision from a panel or committee.

This bill would also require an administrative law judge to render a decision within 30 days of any hearing and would extend the time for the Division of Medical Quality to act upon a decision to 100 days.

Existing law requires each medical malpractice liability insurer to furnish to the Bureau of Medical Statistics of the Board of Medical Quality Assurance, within 30 days of termination, the names of all health care providers whose malpractice liability insurance has been terminated and requires the bureau to transmit a copy of that information to the named health care provider, to the Division of Medical Quality, and to the appropriate medical quality review committee.

This bill would delete these requirements.

This bill would make other technical changes.

Ch. 824 (SB 1686) Sieroty. Recordings.

Existing law makes it a criminal offense, punishable as a felony or misdemeanor, or by a fine not to exceed $25,000, or by both imprisonment and fine, to knowingly and willfully transfer or cause the transfer of recorded sounds for commercial purposes without the consent of the owner. The transportation and sale of articles with the knowledge that the sounds thereon have been so transferred are also criminal offenses. Certain practices for broadcasting and archival purposes are exempt from these criminal prohibitions

This bill would also exempt from these criminal prohibitions not-for-profit educational institutions or governmental entities which have as a primary purpose the advancement of the public's knowledge and the dissemination of information regarding America's musical cultural heritage. The exemption would be subject to specified conditions relating to efforts to identify and locate the owners of the sound recordings sought to be transferred

Ch. 825 (SB 1816) Keene. State employees' dental plan.

Existing law permits the state to contract, upon negotiations with employee organizations, with carriers of dental plans for employees and annuitants, subject to an appropriation of funds for a dental care plan for state employees.

This bill would authorize the state, through the Department of Personnel Administration or the Board of Trustees of the California State University, to contract, upon negotiations with employee organizations, with certain health care service plans licensed and authorized to provide dental plan contracts, which have a contract to provide benefit plans, as specified, or with a federally qualified health maintenance organization licensed as a nonprofit hospital service plan, for dental care plans, as specified.

Ch. 826 (AB 676) Kelley Commemorative California gold medallions

Existing law does not provide for the issuance of commemorative gold medallions by the state and makes use of the Great Seal of the State for commercial purposes, a misdemeanor

This bill would require the Department of General Services to cause to be designed a series of commemorative gold medallions, minted of California-produced gold bullion which must be provided by California gold producers, in 3 specified weights and bearing specified matters including the Great Seal of the State and would require the Department of General Services under specified conditions, to contract for the minting, as specified, and to charge specified royalties for the use of the Great Seal of the State of California. The producers, who would be required to pay in advance a specified fee to the department and to reimburse the department in advance for design costs, would receive the medallions after minting, and would be solely responsible for distribution, marketing, and sales.

In addition, the bill would provide that only registered, certified mints which have contracted with the department may produce the medallions and that any other production of the medallions would be unlawful and punishable as a misdemeanor.

This bill would take effect immediately as an urgency statute.

Ch 827 (AB 3158) Young Transportation vehicle size and weight limitations.

(1) Under existing law, no vehicle or load on a vehicle may exceed a width of 96 inches except as specified Among these exceptions are certain vehicles or loads in excess of 96 inches, which exceptions are not applicable to highways which are part of the National System of Interstate and Defense Highways if the application would prevent the state from receiving federal funds for highway purposes

This bill would delete that qualification on the exception to the width limitation for emergency vehicles, specified vehicles and loads allowed to be 100 inches wide, specified motor coaches or buses, vehicles transporting trusses under permit, special mobile equipment and special construction or highway maintenance equipment, certain trailers or semitrailers used in specified agricultural operations, and certain manufactured homes transported under permit

(2) Under existing law, the gross weight of a vehicle is limited, as one alternative, in specified amounts depending on the extreme distance between axles in a group of two or more consecutive axles. Until December 1, 1984, a truck tractor and semitrailer first registered in 1980 with axle spacing between 25 and 33 feet is permitted to exceed the specified weight limit, up to 64,000 pounds gross and not over 32,000 pounds per set of

axles.

This bill would delete that exception for 1980 registered vehicles

(3) Existing law authorizes the Director of Transportation to permit, by agreement the operation on the highways, for a specified distance, of private or contract vehicles hauling overweight loads.

This bill would make that authorization inapplicable to interstate highways.

(4) The bill would take effect immediately as an urgency statute

Ch. 828 (AB 3355) Ingalls State employees· leaves of absence.

Existing law provides that the Department of Personnel Administration shall administer various functions of state employment, including, among others, absences.

This bill would provide that where there exists no statutory authority to grant a paid leave of absence, no paid leave of absence shall exceed 5 working days without prior approval of the department.

The bill would specify also that its provisions shall not apply to paid leaves authorized by certain existing sections of the Government Code and the Labor Code.

Existing law provides that the Controller or the Treasurer may designate a deputy to act in his behalf, as specified on any statutorily created state board, commission, committee, or governing board of a state agency with respect to the exercise of statutory powers and duties of any such body.

This bill would delete the requirement that these boards, commissions, committees, or governing boards be statutorily created.

In addition, the bill would provide that at the request of the Controller or the Treasurer, 2 employees of each officer, who hold permanent civil service status and have been designated deputies under this section, shall be classified and compensated as career executives at Category Level IV or Category Level V.

In addition, the bill would provide that if its provisions are in conflict with a memorandum of understanding reached pursuant to the State Employer-Employee Relations Act, the memorandum of understanding shall be controlling without further legislative action except that if the provisions of the memorandum of understanding require the expenditure of funds, legislative approval will be required

The bill makes other nonsubstantive technical changes.

Ch 829 (SB 1618) Greene. Local Public Entity Employees Fund

(1) Existing law permits local government entities to pay into the Local Public Entity Employees Fund in order to finance unemployment insurance coverage of their employees A local government entity's tax rate for the first 3 years of participation in the fund is $\frac{9}{10}$ of 1% of total wages paid A participating local government entity may receive a $\frac{3}{10}$ of 1% reduction in its tax rate based on the total balance of the fund.

This bill would reduce the tax rate for the first 3 years of participation from $\frac{9}{10}$ to $\frac{7}{10}$ of 1%. It would authorize the $\frac{3}{10}$ of 1% rate reduction only if the local government entity maintains a reserve balance in its account of at least 1½ times the preceding fiscal year's benefit charges or $500, whichever is greater.

(2) Existing law requires any local government entity which decides to terminate the financing of its unemployment insurance coverage by paying into the Local Public Entity Employees Fund, to repay any negative balance in its account in the fund, together with any interest or penalties imposed as a result of the entity's failure to pay the amount of the negative balance at the time of termination

This bill would provide that the local government entity is not eligible to file a subsequent election to finance its unemployment insurance coverage by paying into the fund unless it repays any negative balance in its previous account in the fund, together with any interest or penalties

Ch. 830 (SB 1604) Johnson. Department of Motor Vehicles. forms and documents: investigations.

(1) Existing law gives the powers of peace officers to certain employees of the Department of Motor Vehicles for the purpose of enforcing the provisions of law committed to the administration of the department.

This bill would give the powers of peace officers to those employees for the purpose of enforcing the law on premises occupied by the department. The bill would also make

corrective nonsubstantive changes

(2) Existing law, generally, makes it unlawful to make any false statement in any document filed with the Department of Motor Vehicles, but does not specify that the department may require that any application or document filed with the department be signed and submitted under penalty of perjury

This bill would specifically authorize the department to impose that requirement.

(3) Existing law requires the lessor of a vehicle to furnish, upon request, the name and address of the lessee of a vehicle, if the name does not appear on the registration card, to a member of the California Highway Patrol and specified law enforcement personnel who are conducting an investigation of a public offense.

This bill would require the lessor to also provide that information to officers and employees of the department who are designated as peace officers by provisions contained in the Vehicle Code

Ch. 831 (AB 3231) Farr Public programs. redefining of responsibilities and funding.

Under existing law, counties and the state have various program and fiscal responsibilities for various human services programs.

This bill would require the Assembly Office of Research to establish a project team, and meet and work with various county, state and legislative entities and private organizations to make recommendations for legislative and administrative action relating to the governance, as defined, of human service programs. The bill would require this office to make a report by February 1, 1983

Ch. 832 (AB 3026) Konnyu. Aid to families with dependent children.

Existing law provides for the Aid to Families with Dependent Children program under which cash assistance is provided to needy families with dependent children due to parental unemployment, desertion, and other reasons

This bill would require the Employment Development Department, with the cooperation of the State Department of Social Services, to oversee the development of one specified demonstration project

This bill would provide that the Employment Development Department may, at the option of a county, contract with the county, or with specified entities in a county, to provide work opportunities for parents receiving aid under the Aid to Families with Dependent Children program, under specified circumstances.

The bill sets forth certain requirements which must be provided by work assignments made by a county, or a specified entity in a county

The bill would require the Employment Development Department, in cooperation with the State Department of Social Services to make a specified report to the Legislature by February 1, 1985

The bill would be operative only until June 30, 1986, and as of that date would be repealed

The bill would appropriate $24,500 to the Employment Development Department for purposes of the act

Ch. 833 (AB 3173) M Waters. Health: pregnancy tests.

Existing law prohibits any person from selling, offering for sale, giving away, distributing or otherwise furnishing materials intended to determine the presence of pregnancy unless that person has obtained a certificate of acceptability from the Department of Health Services declaring that those materials have been approved as to efficacy and safety by the department Existing law, however, excepts from that prohibition any such materials which are sold, offered for sale, given away, distributed, or otherwise furnished to a physician and surgeon licensed to practice in the state, a pharmacist licensed to practice in the state, or a public health agency

This bill would additionally exclude a licensed primary care clinic and a licensed health facility from that prohibition.

Ch 834 (AB 1694) Johnson Bail

Existing law provides for execution by the court clerk of an affidavit of mailing to the surety of a notice of forfeiture of bail when a defendant fails to appear

This bill would provide for the mailing of a certificate instead of an affidavit and would provide that the certificate of the clerk of the superior, municipal or justice court has the same effect as his or her affidavit

Existing law specifies the circumstances under which a court is required to direct that a forfeiture of the undertaking of bail or the deposit of money instead of a bond be discharged and specifies that the court is to direct the discharge under such terms as may be just

This bill would provide that if an assessment is made against the surety on the bond as a condition of discharging the forfeiture and the bail agent or depositor is not in court the clerk of the court is required to mail a notice of the assessment within 30 days to the surety or depositor at its principal office address This bill would require that the time limit for payment of the assessment set by the court not be less than 30 days after the date of mailing of the notice, and would allow an additional 30 days as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

Ch. 835 (AB 3151) McAlister. Insurance.

Existing law provides for the investigation of alleged fraudulent insurance claims, and provides that the Insurance Commissioner may disseminate information regarding insurance laws

This bill would provide that the commissioner shall receive, and, as appropriate, investigate and respond to complaints regarding the handling of insurance claims or alleged misconduct

It would also provide that the commissioner shall provide for the education of and dissemination of information to the general public ~~and~~ [or]* insurance licensees concerning insurance matters

Ch 836 (AB 2589) Moore California State University employees.

Existing law requires the operation of auxiliary organizations serving the California State University to be conducted in conformity with regulations established by the trustees These regulations must include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions, and benefits for the full-time employees of each auxiliary organization which are comparable to those provided CSU employees performing similar services, as specified

This bill would specify that for purposes of that requirement, a full-time employee is a person who is employed in a permanent position for 40 hours per week or for the required number of hours of a particular work shift, whichever is the lesser Certain temporary employees would be specifically excluded from the definition, but the bill would specify that those employees engaged on a continuing 10-month or academic year basis shall be considered full-time employees if they are employed for 40 hours per week or for the required number of hours of a particular work shift, whichever is the lesser.

Existing law specifies that for those full-time employees whose duties are not comparable to classes in CSU employment, the salaries established shall be at least equal to those prevailing in other educational institutions in the area or commercial operations of like nature.

This bill would require those provisions to apply to full-time employees of auxiliary organizations even if there are no CSU employees performing similar services

Ch 837 (AB 2537) Duffy Public Utilities Commission. public adviser.

Under existing law, public utilities are subject to the jurisdiction and control of the Public Utilities Commission, and the commission is generally required to hold open and public meetings.

This bill would direct the commmission to designate one of its staff as a public adviser to assist members of the public and ratepayers in testifying before and presenting information to the commission during public hearings and proceedings of the commission

The bill would direct the commission to report to the Legislature on those of its activities which will be curtailed or eliminated in order to accomplish the purposes of the bill.

Ch 838 (AB 2358) D. Stirling Civil procedure. holidays

(1) Under existing law, generally, trial courts are required to be closed for the transaction of judicial business on state holidays, except for certain, specified proceedings, and state holidays are excluded from the computation of time for judicial deadlines

This bill would exclude the state holiday held on January 15th, known as "Dr Martin Luther King, Jr Day", from those provisions

(2) Under existing law, days appointed by the President or Governor for a public fast, thanksgiving, or holiday other than Thanksgiving Day do not apply to specified local entities unless made applicable by local provisions.

This bill would include Dr. Martin Luther King, Jr. Day within this provision.

(3) The bill would take effect immediately as an urgency statute

Ch. 839 (SB 537) Petris Child seat restraints.

(1) Existing law authorizes members of law enforcement agencies, which the Secretary of the Business, Transportation and Housing Agency has entered into arrangements with, to issue oral hazard warnings to persons operating vehicles, after the vehicle has been stopped, in which infants or children under 15 years of age who are passengers are not restrained by the use of seat restraints. The officer may advise and urge utilization of seat restraints that are available in the vehicle and may note that, for children under 5 years of age, that greater protection could be provided by acquiring and utilizing a separate federally approved child restraint Existing law also authorizes a law enforcement officer to issue a notice to appear for specified violations, including violations of a mechanical requirement.

This bill would delete the special reference in the warning program for children under 5, and, instead, require every parent or guardian, when present, to provide a child passenger seat restraint system meeting applicable federal motor vehicle safety standards for each child or ward under 4 years of age or weighing less than 40 pounds when transported upon a highway in a passenger vehicle or motor truck of less than 6,001 pounds unladen weight, registered in this state and owned by the parent or guardian. The bill would require a court to dismiss any charge against a parent or guardian for failing to provide such a child passenger seat restraint system, if it is shown that the system has in fact been obtained, and would authorize the court, in its discretion, to dismiss any second or subsequent charge. The bill would make it unlawful for a parent or guardian, when present in such a passenger vehicle or motor truck, not owned by the parent or legal guardian, to permit his or her child or ward of that age or weight to be transported upon the highway without securing the child or ward with either a child passenger seat restraint system meeting the federal standards or available seat belts.

The bill would also require every person transporting such a child other than his or her child or ward in such a passenger vehicle or motor truck, whose parent or guardian is not present in the vehicle, to provide and secure the child in either a seat restraint meeting the federal standards or in available seat belts.

The bill would permit a law enforcement officer to stop any vehicle transporting children appearing to be within the above age or weight limit and would expressly authorize issuance of a notice to appear for violating those provisions. The bill would prohibit the sale or installation of any child passenger seat restraint system not conforming to all applicable federal motor vehicle safety standards on the date of sale or installation. The bill would permit the court to exempt any class of child by age, weight, or size for impracticality by reason of physical unfitness, medical condition, or size, and would authorize the court to require adequate proof of the reason.

The bill would declare legislative intent in this regard.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 840 (AB 3047) Kapiloff. Life care contracts.

(1) Existing law requires any organization or person who receives property in exchange for an agreement to furnish care for a period of over 1 year or for life to obtain a certificate of authority from the State Department of Social Services, as prescribed Existing law authorizes the department to require, before issuing the certificate of authority, the applicant for the certificate to file with the department a bond executed by an admitted surety insurer, in an amount satisfactory to the department, as specified.

This bill would repeal those provisions requiring an applicant to execute a bond.

(2) Under exisiting law, the department may, when necessary to secure the performance of all obligations of a certificate holder, record with the recorder of any county notice of a lien in behalf of the transferors.

This bill would, instead, authorize the department to file a lien against all real property of the provider.

(3) Existing law also requires the department to require the applicant, before issuing a certificate of authority for any facility at which care is or will be furnished pursuant to a prepaid life care contract executed after January 1, 1974, to establish a reserve fund escrow account with an escrow agent, and require the department to condition the issuance of the certificate upon current maintenance of the escrow account, as specified.

This bill would make those requirements applicable to any prepaid life care contract executed after January 1, 1979.

(4) Existing law requires any organization or person receiving a certificate of authority to enter into care agreements to maintain reserves covering obligations assumed under all care agreements entered into and maintained

This bill would, instead, require all organizations and persons receiving a certificate of authority to enter into life care contracts to maintain a reserve.

(5) Existing law requires that any agreement constituting a life care contract contain prescribed matters including a completed form captioned "Notice of Cancellation" containing specified statements and the value of property transferred, including fees, paid or payable.

This bill would revise the statements required to be in that notice and require the basis for changing monthly care fees to be printed in at least 10-point boldface type

(6) The bill would also exclude from the definition of "prepaid life care contracts" life care contracts which provide for changes in the monthly care fees to cover the actual cost of care.

(7) The bill would make other conforming changes

Ch. 841 (AB 3032) Bates Parks and recreation East Bay Regional Park District.

(1) Under existing law, a regional park district is prohibited from conveying any interest in real property actually dedicated and used for park purposes without the consent of a majority of the voters of the district, except that, when district land or property is temporarily unnecessary for park or open-space purposes, it may be leased for other purposes for a term not exceeding 25 years with an express provision that, should the board determine to use the lands for park, open-space, or other district purposes, the lease shall be terminated

This bill would provide that, notwithstanding those provisions, the Board of Directors of the East Bay Regional Park District may lease district real property for a term not exceeding 50 years for the San Leandro Bay Restaurant Project. The lease would be required to be approved by a resolution adopted by the affirmative votes of at least ⅔ of the members of the board and require the lessee to construct and maintain facilities, as specified.

(2) Under existing law, the Department of Parks and Recreation has control of the state park system, units of which include recreational trails.

This bill would require the department to convey to the East Bay Regional Park District all right, title and interest of the state in specified real property in Contra Costa County which is a part of the California State Hiking and Riding Trail. The bill would require the district to improve, construct, operate, and maintain those trail facilities as part of the East Bay Regional Park System. The bill would provide that these provisions become operative only if funds are appropriated in the 1982 Budget Act for the acquisition and development of riding and hiking trails as part of that system.

(3) The Budget Act of 1982 appropriates $300,000 under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964 to the department for the East Bay Trail Project for the acquisition and development of riding and hiking trails.

This bill would amend and supplement the Budget Act of 1982 to instead appropriate those funds to the department for a grant to the East Bay Regional Park District for that project.

Ch 842 (AB 2973) Rosenthal. Medi-Cal pilot projects

Existing law provides for the Medi-Cal program under which health care providers are reimbursed pursuant to submission of claims to the state fiscal intermediary for service provided to low-income and indigent recipients.

Existing law further provides that every district attorney shall have a unit which shall bring child support actions on behalf of custodial parents who are recipients of aid under the Aid to Families of Dependent Children program. In bringing these actions, a medical insurance form must be used to determine whether the noncustodial parent has medical insurance.

This bill would limit the use of these forms to those instances where any child involved in the action is known to be an applicant for, or a recipient of aid under the Medi-Cal program

Existing law provides that, when Medi-Cal providers successfully appeal action by the department recovering a payment which the department has disallowed, the provider shall be paid interest at the rate equal to the monthly average received on investments in the Pooled Money Investment Fund.

This bill would instead provide that the rate would be equal to the monthly average for investments in this fund.

Existing law further provides that the Director of Health Services shall establish by May 1, 1982, a schedule of differential reimbursement rates for surgery procedures, under which those procedures which can be performed on an outpatient basis shall be reimbursed at a higher level when performed in an outpatient setting as compared to the level of reimbursement for the same procedures performed in an inpatient setting

This bill would repeal this provision.

Ch. 843 (AB 2705) Thurman Records.

Under existing law, a county recorder is required, pursuant to the provisions of the Destroyed Land Records Relief Law, to record a notice of the pendency of an action commenced pursuant to that law in a book devoted exclusively to the recordation of such notices and to make other specified references to the recordation of the notice. The recorder also is required, pursuant to that law, to record in a special book devoted exclusively thereto a notice of ownership and to keep the original of that notice on file.

This bill, instead, would require the recorder to record the notices in the general index of notices of the pendency of actions and to return the original to the party requesting the recordation, as specified.

The existing law relating to secured transactions requires the filing officer to perform certain duties, including maintaining specified indices, regarding the filing of financing statements, but does not expressly authorize outdated indices to be destroyed.

This bill would authorize county recorders to destroy those indices in which the last entry is 6 or more years old.

Existing law requires county recorders to note on each instrument to be recorded a filing number, the exact time of the receipt of the instrument, and the book and page in which it is to be recorded.

This bill would authorize the use of a single identification number rather than both a filing number and book and page number to be noted on each recorded instrument and would delete the requirement that the exact time of receipt be noted on each

recorded instrument. The bill would require that efforts shall be used to assign identification numbers sequentially, but the county recorder would be permitted to assign a nonsequential number, as specified.

Existing law authorizes the State Registrar and local registrars to charge $2 for each hour or fractional hour of search of files and records when no certified copy of a record is made.

This bill would authorize the charge to be collected in advance of the search and increase the fee to $3, if the search is performed by the custodian of the records.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 844 (AB 3035) McAlister. Deposits of public funds security: reporting.

Existing law provides that to be eligible to receive and retain demand deposits or time deposits of money belonging to, or in the custody of, the state, an eligible bank must deposit with the Treasurer as security for those deposits an amount at least 10% in excess of the amount deposited with the bank.

Existing law specifies the bonds, notes, and other securities that may be received as security for demand and time deposits This bill would include within those securities any municipal security as defined by federal law which is issued by this state or any local agency thereof.

Existing law specifies the securities that may be held and pooled by an agent of a depository to secure active or inactive deposits of money belonging to, or in the custody of, a local agency This bill would include within those securities any municipal security as defined by federal law which is issued by this state or local agency thereof.

Existing law requires an agent of a depository to file a weekly report in writing with the Administrator of Local Agency Security on the amount of deposits held. This bill would instead allow for the delivery or mailing of the report, and would provide that where no change has occurred in the deposits held, the report need only state that fact.

Ch. 845 (AB 2574) Sebastiani Savings and loan associations.

Existing law prohibits a savings and loan association from investing more than one-half of the sum of its statutory net worth in real property to be used as a principal, branch or service office, or other related purposes, as specified Existing law also prohibits a savings and loan association from investing more than 30% of its statutory net worth in furniture, fixtures, furnishings, equipment, and leasehold improvements

This bill would eliminate these limitations

Existing law permits a savings and loan association to invest in California street improvement bonds up to an aggregate amount not exceeding 2% of the then total assets of the association, in stocks, bonds, and other obligations of or issued by the Federal National Mortgage Association and the Small Business Administration up to an aggregate amount not in excess of 5% of the then total assets of the association, and in certain loans and interests in loans secured by real property located in foreign countries and securities of a foreign thrift institution, as specified, unless its aggregate outstanding investment in such loans and securities would exceed 1% of the then total assets of the association.

This bill would eliminate the restrictions on the amount which a savings and loan association may invest in these types of loans, stocks, bonds, and obligations

Existing law regulates the amount and types of property a savings and loan association may invest in, hold, buy, and sell.

This bill would permit a savings and loan association to invest in, hold, buy and sell open-end management investment company shares, as specified

Existing law requires the Savings and Loan Commissioner to examine into the affairs of every domestic savings and loan association and of every foreign association doing business in this state, at least once every 2 years.

This bill would delete the requirement of a biannual examination and would provide instead that the commissioner may conduct such an examination if in his or her judg-

ment the condition of any of these associations renders such an examination necessary

Existing law provides that in lieu of an examination by the Savings and Loan Commissioner which is required at least once every 2 years, the commissioner may accept the examination of any association made by the Federal Home Loan Bank Board, a Federal Home Loan Bank, or the Federal Savings and Loan Insurance Corporation, or may conduct an examination in conjunction with one of these entities

This bill would specify that the commissioner may accept, for the purposes of examining an association rather than as a substitute for an examination by the commissioner, an examination performed by one of these entities or a joint examination. The bill would also provide that the commissioner may accept the examination of an association by a certified or other public accountant or firm of such accountants selected by the association and approved by the commissioner, for the purposes of an examination of an association.

Ch. 846 (SB 1379) Alquist. State funds: borrowing.

Under existing law, the Governor is authorized to order the Controller to direct the transfer of money from certain funds or accounts to the General Fund when the General Fund is or will be exhausted, the money is not needed in the fund or account, and the transfer will not interfere with the object for which the fund or account was created. Interest is payable on money so transferred from certain funds or accounts, as prescribed.

This bill would appropriate $14,000,000 from the General Fund to the Controller for the purpose of paying interest costs on the money so transferred to the General Fund It would appropriate an additional ascertainable amount if the $14,000,000 is exhausted, with notification required to be made by the Director of Finance to the chairperson of the Joint Legislative Budget Committee

This bill would take effect immediately as an urgency statute

Ch. 847 (SB 1392) Davis. Postsecondary education.

(1) Existing law specifies that the names "University of California" and "California community colleges" are the property of the state and prohibits any person, without the permission of the Regents of the University of California or the Board of Governors of the California community colleges, to use this name, or any abbreviation of it or any name of which these words are a part in any of the specified ways. Existing law specifies that every person violating these provisions is guilty of a misdemeanor.

This bill would specify that the name "California State University" is also the property of the state and would prohibit any person, without the permission of the Trustees of the California State University, to use this name, or any abbreviation of it or any name of which these words are a part in any of the specified ways This bill would provide that every person violating these provisions is guilty of a misdemeanor

This bill would make other technical changes necessary to implement these requirements as applied to the University of California and the California community colleges.

(2) Existing law establishes the Student Aid Commission and specifies the duties of the commission relating to student financial aid programs.

This bill would specify that former Section 69611 of the Education Code shall be construed to have repealed only the article relating to occupational education and training grant programs, and shall not be construed to have repealed any other provisions relating to student financial aid programs

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 848 (AB 3807) Harris. Depositions.

Under existing law, a deposition of a witness may be used by a party for any purpose if the witness is unavailable, as defined, or if exceptional circumstances exist to make it desirable, in the interest of justice and with due regard to the importance of presenting

the testimony of witnesses orally in open court, to allow the deposition to be used.

This bill in addition would specify that if a witness resides more than 150 miles from the place of the proceeding, the deposition of that witness, as a matter of law, could be used for any purpose.

This bill would take effect immediately as an urgency statute

Ch. 849 (AB 2905) Martinez. Child abuse and neglect.

Existing law provides for the establishment of child abuse and neglect prevention and intervention pilot projects, to be contracted for by the Office of Child Abuse Prevention in the State Department of Social Services.

Existing law would repeal the provisions concerning this program on December 31, 1982.

This bill would delete the repeal of the provisions concerning this program, thereby permitting the program to remain in effect.

Existing law provides for the Family Protection Act, under which demonstration counties provide specified services for children who are or may be involved in various juvenile court proceedings, and under which modifications are made in juvenile court procedures.

Existing law contains statutes providing that in these demonstration counties no more than 20% of the funds allocated to provide specified services for children shall be used for the salaries or expenses of probation officers or child protective service workers.

This bill would eliminate these requirements and would declare that the elimination of these requirements is declaratory of preexisting legislative intent and policy and that these amendments shall be deemed to have been made on September 30, 1980.

Ch. 850 (AB 2793) Mountjoy Aviation regulations

(1) Under the State Aeronautics Act, aeronautics is regulated by the Department of Transportation, including the issuance of airport permits and the furnishing of assistance to local agencies.

This bill would require the proprietor of any permitted airport open to the public which has received public funds proposing to close or suspend airport operations to furnish 60 days' notice to the department. It would permit the department on its own motion, or on request of an affected or interested person, to conduct a hearing on the impact of the proposed closure or suspension, and would authorize the department to take appropriate action to assist the proprietor in keeping the airport operational and open for public use.

(2) Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year.

This bill would state that funds shall be appropriated from the Aeronautics Account in the State Transportation Fund to the Controller for allocation and disbursement in accordance with Section 2231 of the Revenue and Taxation Code to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.

Ch. 851 (AB 2777) Moore. Public education: classified employees.

(1) Existing law does not provide for the reduction of the workload of public school classified employees to part time while maintaining retirement contributions and service credit as if on a full-time basis.

This bill would authorize the governing board of a school district or community college district or a county superintendent of schools to establish regulations authorizing, under specified conditions, classified employees to reduce their workload from full time to part time and to receive the retirement credit that they would have received on a full-time basis, if specified contributions are paid as on a full-time basis to the Public Employees' Retirement System by the school member and the employer and, under existing law, that matter would thus become subject to employer-employee relations provisions.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch. 852 (AB 2712) Floyd. In-home supportive services contracts

Existing law provides for the In-Home Supportive Services (IHSS) program under which each county is responsible for assuring that specified services are provided to aged, blind, and disabled persons in order to enable those persons to remain in their own homes

Existing law provides that counties are authorized to contract with entities for provision of services to eligible recipients, with the term of the contract not to exceed one year. Counties are authorized to renew the contract for a second one-year period without utilizing bid procedures.

This bill would allow contracts to be entered into for a 2-year term, with the county authorized to renew a contract for another one-year term.

The bill would further state the Legislature's intent that the State Department of Social Services conduct a 3-year pilot project to test specified modes of delivering services under the IHSS program The bill would provide that county participation in the pilot project shall be on a voluntary basis. The bill would permit the State Department of Social Services to reallocate funds, if necessary, in order to ensure success of the project.

Ch. 853 (SB 1405) Garamendi. Motor Vehicles: special permits· building components

Under existing law, the Department of Transportation is authorized to issue overwidth permits to companies in the business of manufacturing or transporting trusses, provided the load does not exceed 12 feet in width and the business complies with the department's regulations governing extra-legal loads These provisions do not apply to highways in the National System of Interstate and Defense Highways if the provisions would prevent this state from receiving federal funds for highway purposes.

This bill would delete the limitation regarding interstate highways and would authorize the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to issue overwidth permits to transport loads of trusses, one-piece roof, floor, or wall units and specified metal products, if the load does not exceed 12 feet in width and the permittee complies with the regulations of the entity issuing the permit.

Ch. 854 (SB 943) Davis. Real estate

Under existing law, a court may appoint a receiver subsequent to a court hearing regarding a possible violation by a real estate licensee of provisions regulating trust fund accounts or regarding the commingling or conversion of trust funds by a real estate licensee

This bill would provide that the receiver may exercise all the powers of the licensee or the licensee's officials, including the filing of a petition for bankruptcy of the licensee

Existing law requires a real estate licensee who undertakes to service a promissory note secured by real property or a real property sales contract to have written authorization from the borrower or lender or holder of the contract

This bill would require written notice to be given by a real estate broker to the mortgagee, beneficiary, or owner, as specified, if the broker in servicing the note or contract applies funds received from other than the obligor toward a payment to protect the security of the note or contract being serviced.

Existing law defines the term "real property security" for purposes of provisions

regulating real property security dealers. This bill would revise that definition.

Ch. 855 (SB 1484) Boatwright Campaign practices.

Existing law does not provide for a voluntary subscription by candidates for state or local office to a Code of Fair Campaign Practices

This bill would establish such a code. It would permit candidates for public office, as defined, or treasurers or chairmen of certain committees to subscribe to a prescribed Code of Fair Campaign Practices, which code would be printed by the Secretary of State and distributed by the county clerks to candidates for public office. The bill would specifically provide that in no event would a candidate for public office be required to subscribe to or endorse the code.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 856 (SB 643) Keene. Buildings: standards.

(1) Existing law with certain prescribed exceptions, prohibits the construction of new hotels, motels, apartment houses, and dwellings after January 1, 1978, which are equipped with tank-type water closets which use more than an average of 3½ gallons of water per flush and are not approved by the State Department of Housing and Community Development according to specified standards, and makes applicable such requirements only to new additions to, or renovations of, structures built before January 1, 1978, if compliance does not require substantial modification of the existing plumbing system. Existing law also permits a manufacturer to sell water closets which do not meet such requirements in a quantity sufficient to meet the need for water closet installation or replacement in structures other than new hotels, motels, apartment houses, or dwellings.

This bill would, with certain exceptions, require, after January 1, 1983, all new buildings to use water closets and associated flushometer valves which are water-conservation closets, and urinals and flushometer valves which use less than an average of 1½ gallons per flush. The bill would also only permit a manufacturer to sell water closets, urinals, and associated flushometer valves which do not meet the standards of the department in a quantity sufficient to meet the need for water closets and urinal installations or replacements in structures built prior to January 1, 1983

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 857 (SB 1327) Petris. Medi-Cal.

Existing law provides for the Medi-Cal program, under which providers of medical services are reimbursed for giving basic health care services, including reimbursement for services in long-term care facilities to low-income and indigent recipients.

This bill would provide that a Medi-Cal recipient residing in a long-term care facility, except as currently provided for developmentally disabled recipients and mentally disordered recipients, shall be permitted to be temporarily absent from the facility for up to 18 days per year, and that the department shall have authority to grant, on an individual basis, up to 12 additional days per year not including days of bed hold for acute

hospitalization

The bill would provide that these temporary absences would be in accordance with an individual patient care plan, as specified, except that the State Director of Health Services may establish reasonable limits on the duration of individual absences.

Ch. 858 (SB 1264) Maddy. Park and recreation projects. off-highway motor vehicle recreation area study and local assistance grant relief

(1) Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to San Benito County for the acquisition of land for an addition to Bolado Park. Chapter 693 of the Statutes of 1981 authorizes the county to sell a portion of that land and requires the proceeds to be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund of 1964.

This bill would, in addition to authorizing the sale of those lands, authorize the county to sell approximately 15 acres additional contiguous land of the county identified by the county board of supervisors, the proceeds to be deposited in the fund.

(2) Under existing law, the Off-Highway Vehicle Fund is continuously appropriated to the Office of Off-Highway Motor Vehicle Recreation for, among other purposes, the planning, acquisition, development, administration, operation, and conservation of facilities for the use of off-highway motor vehicles.

This bill would appropriate $35,000 from the fund to the Department of Parks and Recreation for a study to be prepared by, or under contract let by, the department of the feasibility of acquiring and developing specified property in Fresno County as an off-highway motor vehicle recreation area and for an appraisal of that property

(3) The bill would take effect immediately as an urgency statute.

Ch. 859 (SB 1030) Greene. Clinics

(1) Existing law defines and provides for licensure of specified types of clinics. Under present law a clinic must be relicensed upon a change of licensee.

This bill would expressly exempt from health planning review and certificate-of-need requirements the relicensure of a clinic where there is a change of licensee

(2) Existing law defines and provides for licensure of various types of clinics.

This bill would make a technical, nonsubstantive change

Ch 860 (SB 1026) Campbell. Weights and measures.

Existing law includes parcel post scales, along with other specified devices, as devices used for commercial purposes which are required to be sealed by a county sealer.

This bill would delete parcel post scales from the specific list of devices which come within the definition of devices used for commercial purposes. The bill would also state that commercial purposes do not include the determination of charges for the transmission of letters or parcels of less than 150 pounds.

Ch. 861 (SB 1377) Dills Public Employees· wage and salary deductions

Existing law authorizes public employees to have deductions made from their wages and salaries for various purposes

This bill would authorize deductions for deposit into accounts with a state or federal savings and loan association in this state, and would permit the public employer to charge a fee to the institution in an amount which is determined to be sufficient to reimburse the public agency for the costs of arranging these deductions, if any.

This bill would incorporate additional changes in Sections 1155 and 1156 of the Government Code as proposed by AB 3204, to be effective only if AB 3204 and this bill are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 862 (AB 3487) Imbrecht Environmental information program contracts.

Chapter 1343 of the Statutes of 1978 appropriated $125,000 from the California Environmental Protection Program Fund to the Environmental Data Center, Office of Planning and Research, for the 1978–79 and 1979–80 fiscal years, to make grants to Ventura County and other counties to develop an environmental decision-oriented information needs system using computer data to speed the environmental decision-making process required by the California Environmental Quality Act and other laws relating to environmental information.

This bill would make a statement of legislative intent that the Department of Conservation may enter into a contract under the California Resources Information System program not exceeding $20,000 with the County of Ventura to continue with the development of a computerized permit processing and geographic information system. The bill would require the county to consult with the department's California Resources Information System program to assess the feasibility of incorporating computerized resources information developed by state agencies into the county's system and to render a progress report to the department not later than 6 months after the effective date of the bill and a final report not later than 1 year after that effective date

The bill would take effect immediately as an urgency statute

Ch 863 (AB 3265) Bergeson Public Employees' Retirement System

The Public Employees' Retirement Law establishes a maximum of not to exceed 10% per annum for interest charged contracting agencies on delinquent payments.

This bill. would eliminate that maximum, would authorize assessment of counties for costs related to delinquent county reports under the Judges' Retirement Law and require the related payments to be credited to the Judges' Retirement Fund, would authorize charging interest on deliquent county payments, as specified.

The Public Employees' Retirement Law permits a contracting agency to pay all or a portion of a member's normal contributions Effective January 1, 1983, the law will permit both a contracting agency and a school employer to make these contributions if the contracting agency or school employer has a collective-bargaining agreement with its employees in effect on July 1, 1981.

This bill would permit both a contracting agency or school employer to make the contributions regardless of the existence of a collective-bargaining agreement.

Existing law affords special benefits upon disability retirement or death of a former industrial disabilitant from specified causes

This bill would revise that law.

The law authorizes members who retired with an optional settlement involving life contingency of the beneficiary and whose beneficiary predeceases them to name, within 12 months of the death, a new beneficiary.

This bill would also authorize the naming of a new beneficiary within 12 months following remarriage if a new spouse is named the beneficiary

The law provides specified benefits for surviving spouses.

The law would revise that law.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 864 (SB 1473) Mello. Emergencies: nuclear power plants.

(1) Existing law provides for an initial assessment of $25,000 upon each operator of 4 nuclear power plants within the state and such additional amounts for reimbursement of state and local costs, with an amount not to exceed $2,000,000 from all operators for reimbursement of state costs arising out of preparations for nuclear power plant accidents. Under existing law, neither the state plan nor any local plan dealing with the preparation for nuclear power plant accidents, covered under these provisions, shall become effective or be implemented until it is submitted to the Legislature and is approved by statute. Existing law repeals these provisions on January 1, 1983.

This bill would delete the condition requiring that the state plan or any local plan be submitted to the Legislature for its approval, and, instead, provide that neither of these plans shall become effective or be implemented until approved by the Office of Emergency Services or a designated federal agency. The bill would make other changes in these provisions. The bill would clarify existing law by changing "operator" to "utility."

The bill also would change, beginning January 1, 1983, the maximum assessment upon utilities operating nuclear power plants within the state, as specified, to an amount not to exceed the lesser of the actual costs or $300,000 annually for state costs, to be prorated among the utilities in proportion to the allocation of benefit to each plant and the lesser of the actual costs or $100,000 per reactor unit annually for local costs.

The bill would extend the repeal date to January 1, 1988.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) The bill would take effect immediately as an urgency statute.

Ch. 865 (SB 1250) Russell. Federal lien registration.

Under the existing Uniform Federal Lien Registration Act, upon request the filing officer is required to issue a specified certificate showing whether there is on file any notice of lien or certificate or notice affecting any lien filed after January 1, 1968, as specified. The fee for a certificate is $5 for each name searched

This bill would provide instead that the fee shall be set by the filing officer in an amount which covers actual costs but which in no event exceeds $15.

Ch. 866 (SB 386) Stiern. School certificated employees bilingual-crosscultural competence.

Under existing law, the Commission for Teacher Preparation and Licensing is required to grant certificates of bilingual-crosscultural competence to persons qualified to provide bilingual-crosscultural instruction to children whose native language is other than English and who are non- or limited-English speaking The commission is required to develop an assessment program enabling persons holding valid teaching credentials to demonstrate their competence as bilingual-crosscultural teachers, as specified, without additional postsecondary education coursework.

This bill would require the commission to develop rules, regulations, standards, and training programs for a certificate of bilingual-crosscultural competence for the holders of any appropriate credential, certificate, authorization, or permit who demonstrate their competence to serve limited-English-proficient pupils, as specified. This bill would require the commission to submit a report regarding the implementation of these provisions on or before January 15, 1983, and would state that it is not the intention of the Legislature that the possession of these certificates be a state-mandated requirement for employment.

This bill would require the commission to develop a bilingual-crosscultural certificate of assessment competence for those professionals who may participate in assessments for placements in special education programs to be issued in accordance with specified criteria, and would state that it is not the intention of the Legislature that the possession of these certificates be a state-mandated requirement for employment.

This bill would appropriate the sum of $7,000 from the Teacher Credentials Fund to augment Item 6360-001-407 of the Budget Act of 1982 for the development of appropriate standards for certificates of bilingual-crosscultural assessment competence in the Spanish language.

This bill would take effect immediately as an urgency statute.

Ch. 867 (AB 3491) Katz. Water rights.

(1) Under existing law, it is declared to be the established policy of this state to encourage the voluntary transfer of water and water rights where consistent with the public welfare of the place of export and the place of import.

This bill would direct the Department of Water Resources, the State Water Resources Control Board, and all other appropriate state agencies to encourage voluntary transfers of water and water rights.

(2) Under existing law, the authority of water agencies to sell water for use outside the agency is generally limited to surplus water not necessary for use within the agency.

This bill would, notwithstanding any other provision of law, but subject to specified restrictions, permit every local or regional public agency, as defined, authorized by law to serve water to the inhabitants of the agency to sell, lease, exchange, or otherwise transfer water that is surplus to the needs of the agency's water users, as defined, for use outside of the agency. The bill would, with specified exceptions, limit any such transfer of water to a period of 7 years The bill would require payment to the board of a fee in an amount determined by the board to cover the reasonable costs of the board as evaluating and processing any petition to the board requesting a change associated with a transfer.

(3) Under existing law, the cessation of or reduction in the use of water under any existing right regardless of the basis of right, as a result of the use of reclaimed water or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses, is a reasonable beneficial use of water to the extent of such reduction and precludes loss of an existing right under such conditions. Existing law also provides that no forfeiture of an appropriative right shall occur where the appropriator fails to use the water because of water conservation efforts.

This bill would provide that water, or the right to the use of water, the use of which has ceased or been reduced as the result of the use of reclaimed or polluted water or water conservation efforts, may be sold, leased, exchanged, or otherwise transferred pursuant to any provision of law relating to the transfer of water or water rights.

(4) Under existing law, the State Water Resources Control Board is authorized to issue, in accordance with specified procedures, and upon making specified findings and determinations, a conditional, temporary permit to appropriate water.

This bill would authorize the board, in accordance with prescribed procedures, and upon making specified findings and determinations, to issue to a petitioner a conditional, temporary change order to change a point of diversion, place of use, or purpose of use from that specified in the permit or license. The bill would provide for related matters.

(5) The bill would declare legislative intent that the duties and responsibilities provided for in the bill be accomplished by utilizing existing staff resources.

Ch. 868 (AB 1528) Rosenthal. Hearing aid dispensers

Existing law defines the practice of fitting or selling hearing aids as those practices used solely for the purpose of making selections, adaptations, or retail sale of hearing aids.

This bill would revise that definition to provide that the practice of fitting or selling hearing aids means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing as specified, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling

Under existing law, a licensed hearing aid dispenser is required, upon the consummation of a sale of a hearing aid, to deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing specified information, including the address of the principal place of business of the licensee.

This bill would require the receipt to contain, in addition, the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold

Under existing law, it is a misdemeanor to engage in the practice of fitting or selling hearing aids without having a valid, unrevoked and unexpired license or temporary license

This bill would provide, in addition, that it is a misdemeanor for a licensed hearing aid dispenser to fit or sell a hearing aid unless he or she has first (1) complied with all provisions of state laws and regulations relating to the fitting or selling of hearing aids, (2) conducted a direct observation of the purchaser's ear canals, and (3) informed the

purchaser of the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 869 (AB 1189) Kapiloff. Health: clinics facility standards.

(1) Existing law defines and provides for licensure of various types of clinics, including community clinics and free clinics. Existing law requires the State Department of Health Services to prescribe, by regulation, the kind of services which may be provided by clinics in each category of licensure and further requires those regulations to prescribe minimum standards of adequacy, safety, and sanitation of the physical plant and equipment, minimum standards for staffing with duly qualified personnel, and minimum standards for providing the services offered.

This bill would require the Office of Statewide Health Planning and Development, rather than the department, and in consultation with the Community Clinics Advisory Committee, to prescribe minimum construction standards of adequacy and safety for the physical plant of clinics and to submit these standards for approval to the State Building Standards Commission and for publication in the State Building Standards Code.

(2) The bill would take effect as an urgency statute.

Ch. 870 (AB 1112) Filante. Veterinarians.

Existing law does not specifically provide for identification and rehabilitation of veterinarians and animal health technicians impaired by abuse of dangerous drugs or alcohol, or by mental or physical illness

This bill would state that the intent of the Legislature is that the Board of Examiners in Veterinary Medicine seek ways and means to identify and rehabilitate veterinarians and animal health technicians with impairment due to abuse of dangerous drugs or alcohol, affecting competency so that veterinarians and animal health technicians so afflicted may be treated and returned to the practice of veterinary medicine.

The bill would provide for the establishment of one or more diversion evaluation committees by the board and would specify the compositions, duties and powers of those committees.

The bill would authorize the board to establish criteria for the acceptance of veterinarians and animal health technicians in a diversion program and provides for a fee for each veterinarian and animal health technician accepted in a program.

Existing law provides that all fees collected by the board are to be deposited in the Board of Veterinary Examiners Contingent Fund which is continuously appropriated to the board for its use.

The fees provided in this bill would result in an increase in that fund which is available for expenditure.

Ch 871 (SB 1528) Presley Mobilehomes: fees: enforcement.

Existing law creates in the State Treasury the Mobilehome Parks Revolving Fund which is continuously appropriated to the Department of Housing and Community Development for purposes of carrying out the provisions of the Mobilehome Parks Act Existing law authorizes the department, notwithstanding any other law which sets maximum fees, to set, by regulation, fees to be charged by the department for all permits and department activities as long as the aggregate revenue deposited in the fund does not exceed the costs of the department's other prescribed activities.

This bill would additionally authorize any city, county, or city and county which has the assumed enforcement, and which transmits annual mobilehome park permit-to-operate fees to the department, to, by ordinance, add a surcharge to these fees to defray its administrative costs in transmitting the fees to the department provided the aggregate amount of the surcharge does not exceed the administrative costs of transmittal.

Ch. 872 (AB 3285) McAlister. Unemployment insurance: tax exemption

Existing law exempts from the employer obligation to pay unemployment compensation benefit taxes, nonprofit organizations which before April 1, 1972, elected a method of financing unemployment coverage for their employees and elected to fund the coverage from already accumulated funds in their reserve accounts in the Unemployment Fund

This bill would instead exempt any nonprofit organization organized before 1960 which makes these elections within 120 days after it receives a determination that it has been a nonprofit organization from the date it was organized, provided that this determination was received after April 1, 1981, and before April 1, 1982, and the organization made contributions with respect to service in its employ prior to January 1, 1982.

Ch. 873 (AB 3799) N Waters State-owned real property: transfer to Amador County.

This bill would authorize the Director of General Services, with the approval of the State Public Works Board and the Director of the Department of Forestry, to sell or lease, as specified, up to approximately 3 acres of certain real property located at the Sutter Hill Forest Fire Station in Amador County to the County of Amador.

This bill, among other provisions, would require the County of Amador to recognize in the conveyance document that the property is located next to an emergency response facility, with all its detrimental aspects, and that the county's use of the conveyed lands will not interfere with the operations of the emergency response facility.

In addition, the bill would provide that the real property transferred to the County of Amador shall be utilized by the county for the location of a recreation and nutrition facility for senior citizens.

This bill would take effect immediately as an urgency statute.

Ch 874 (SB 1334) Beverly Investment of student funds· California Educational Facilities Authority.

(1) Existing law requires that a public school student body organization deposit or invest its funds only in specified ways.

This bill would add repurchase agreements issued by savings and loan associations or banks to the list of permissible investments for public school student body organization funds.

(2) Existing law authorizes the California Educational Facilities Authority to have a total of $300,000,000 in bonds outstanding at any one time

This bill would raise the authorized total of outstanding bonds to $500,000,000

This bill would take effect immediately as an urgency statute

Ch. 875 (SB 1488) Ellis. Political parties. contributions.

Existing law authorizes the county central committees of each qualified political party to supply the county clerk with party contribution envelopes. The envelopes are required to be included in the clerk's mailing of the sample ballot to voters affiliated with the political party.

This bill would authorize the clerk to include in the mailing a one-page letter supplied by a county central committee as an alternative to party contribution envelopes. It would authorize the county clerk to print the letter for a central committee and the clerk would be reimbursed by the central committee for any actual costs incurred in the printing

Ch. 876 (SB 1928) Foran. Courts. filing fees.

Existing law provides an exemption from the provisions for filing fees in superior courts in other counties with respect to the City and County of San Francisco, and sets forth special provisions for filing fees in the superior court in San Francisco.

This bill would remove the exemption from the provisions for filing fees in superior courts in other counties with respect to the City and County of San Francisco, and would repeal the special provisions for filing fees in the superior court in San Francisco. The bill would make related changes.

The bill would take effect immediately as an urgency statute.

Ch. 877 (AB 2229) Hart. Commercial fishing. limited entry fisheries.

Existing law authorizes the Director of Fish and Game to regulate the taking and possession of fish for specified commercial purposes, including the authority to close or restrict waters to commercial fishing under specified conditions

This bill would define a limited entry fishery Any licensed commercial fisherman would be eligible for inclusion during the initial year of a limited entry fishery which is established by statute that becomes operative after January 1, 1982, regardless of prescribed conditions for entry, if he or she presents evidence of having been licensed for at least 20 years and of prior participation in the affected fishery.

Ch 878 (SB 1953) Vuich Driver's licenses· class 3.

Under existing law, holders of a class 3 driver's license may, among others, operate any 2-axle vehicle weighing 4,000 or more pounds unladen towing either a trailer coach not exceeding 9,000 pounds gross or a trailer or semitrailer not exceeding 9,000 pounds gross and used for hauling livestock, when the hauling of livestock is not for compensation.

This bill would, in addition, authorize the holders of a class 3 license to operate any 2-axle vehicle weighing 4,000 or more pounds unladen towing a trailer not exceeding 9,000 pounds gross used to transport agricultural products, to specified locations, or a boat, when not for compensation

Ch 879 (SB 1427) Presley. Local recreation assistance

(1) Under the Roberti-Z'berg Urban Open-Space and Recreation Program Act administered by the Department of Parks and Recreation, grants are made by the department to applicant cities, counties, recreation and park districts, and certain public utility districts in urbanized, heavily urbanized, and nonurbanized areas, as defined, for the acquisition or development of recreational lands and facilities for recreational and open-space purposes.

For purposes of the act, "need basis grant" is defined to mean the allocation of moneys for projects for the acquisition or development of recreational lands and facilities in nonurbanized areas on a project-by-project basis based upon need.

This bill would delete from that definition the requirement that the project be in nonurbanized areas and would also authorize grants for indoor and outdoor park and recreation facilities to a memorial district meeting specified requirements The bill would thereby make an appropriation by expanding the possible recipients of grants for which moneys in the Budget Act of 1981 may be expended

The bill would also define "account," for the purpose of these provisions, as the Roberti-Z'berg Urban Open-Space and Recreation Program Account, which will be created, in the General Fund, by Chapter 500 of the Statutes of 1982.

(2) Under the Z'berg-Collier Park Bond Act, a local assistance grant was made to the West Riverside Memorial District for the development of Paramount Park

This bill would authorize the district to sell the property comprising the park if the district (a) sells the property for at least fair market value, but not less than a specified amount, (b) uses the proceeds of the sale for replacement park and recreation facilities in the district and returns any proceeds not so used to the department for deposit in the bond fund, (c) holds public hearings on the subject of the replacement facilities, and (d) enters into a state grant project agreement with the department with respect to the replacement facilities

(3) The Budget Act of 1982 appropriated $3,000,000 to the Department of Parks and Recreation, payable from the Parklands Funds of 1980, for development of the Fresno Agricultural Museum

This bill would change the name of the project to the San Joaquin Valley Agricultural Museum.

(4) The Budget Act of 1982 also appropriated $3,000,000 for the acquisition of and planning for the Citrus Heritage Park-Mockingbird Canyon Project, and requires that land acquired by this appropriation be managed subject to certain requirements concerning public access, roads, pathways and pest management

This bill would codify these requirements and would additionally require the department and the State Parks and Recreation Commission to manage certain lands as a wildlife habitat and prohibit general public use facilities on these lands. The bill would also require the City of Riverside to sell a certain parcel of land to an adjoining property owner or to transfer title of that parcel to the state.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(7) This bill would incorporate additional changes in Section 5621, of the Public Resources Code, made by AB 3453, to be operative on the operative date of AB 3453 and only if both this bill and AB 3453 are chaptered and this bill is chaptered last.

(8) The bill would take effect immediately as an urgency statute

Ch. 880 (SB 1458) Carpenter. Trustees of the California State University

Existing law specifies that the membership of the Trustees of the California State University consists of 5 ex officio members, 16 members appointed by the Governor, a representative of the alumni associations of the state university and colleges, and a student member appointed by the Governor, as specified.

This bill would require the Governor to appoint to the Trustees of the California State University an additional member who is a member of the faculty of the California State University and is tenured at the institution at which he or she teaches. The bill would require the faculty member to be appointed from a list of names of at least 2 persons furnished by the Academic Senate of the California State University. The bill would prohibit the faculty member appointed to the trustees from participating on any subcommittee responsible for collective bargaining negotiations.

Ch. 881 (SB 1965) Ellis. Real estate.

Existing law provides that in an action brought by the Real Estate Commissioner to enjoin the commingling or conversion of trust funds in excess of $10,000, the court may order injunctive relief and after a hearing, order the appointment of a receiver for the real estate licensee

This bill would specify that the receiver appointed by the court may, with the court's approval, exercise all of the powers of the licensee or its officers, directors, partners, trustees, or other persons performing similar functions, including the filing of a petition for bankruptcy of the licensee.

Existing law requires that a real estate broker who proposes to solicit and accept funds other than for fees, costs, commissions, and expenses shall submit to the Department of Real Estate not less than 24 hours before the earlier of the acceptance of the funds or the execution of the instrument obligating a person to make a loan or purchase, a copy of the disclosure statement to be given to the person solicited and a statement that the submittal is being made to the department pursuant to a specified provision of law.

This bill would provide instead that the information which is required to be submitted to the Department of Real Estate shall be submitted prior to the making of any representation, solicitation, or presentation of the disclosure statement to the person solicited.

Existing law imposes various additional disclosure and financial reporting requirements on a person who acts as a real estate broker in certain specified capacities and who intends or expects to negotiate in any successive 12 months, any combination of 20 or more new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than $2,000,000.

This bill would specify certain types of loans and sales which would and would not be included in determining whether a real estate broker is subject to these additional requirements. The bill would also revise disclosure requirements, as specified.

The bill would also require a real estate broker who in servicing a real property sales contract or promissory note makes a payment to protect the security of the note or contract being serviced, to give written notice to the mortgagee, beneficiary, or owner of certain information relating to the payment, as specified.

Ch 882 (AB 2254) Bane. Cooperative corporations: rates of interest.

Existing law authorizes cooperative corporations whose members consist solely of physicians and surgeons to hold funds in trust which are in excess of current financial needs, and to invest the securities in specified eligible securities or certificates of deposits or time deposits. The California Constitution limits the rate of interest upon a loan or forbearance, as specified; but provides that such limitations shall not apply to any class of persons exempted by statute from the limitations.

This bill would provide that the constitutional restriction upon rates of interest not be applicable to any obligation of, loans made by, or forbearance of, any trust established by a cooperative corporation providing indemnity pursuant to existing law It would also authorize those funds held in trust to be invested in exchange traded financial futures contracts and exchange traded options contracts to hedge investment in those eligible securities.

Ch. 883 (AB 3122) Alatorre. State civil service employment lists.

Existing law provides for a priority of preference in certifying eligible individuals under state civil service for job appointments and requires state departments to use the priority of preference.

This bill would create a "departmental eligible list," as specified, to include persons who have been examined in an open competitive examination and who are eligible for certification for a specific class for a particular appointing power or department. The bill also would make related changes in existing law

This bill would incorporate additional changes in Section 19054 of the Government Code, proposed by AB 3325, to be operative only if AB 3325 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch. 884 (SB 1548) Johnson. State park system. violations disposition of fines and forfeitures.

(1) Under existing law, fines and forfeitures, with specified exceptions, are required to be distributed monthly to counties and cities, as specified

This bill would require a monthly transfer to the State Parks and Recreation Fund of an amount equal to 50% of fines and forfeitures collected with respect to offenses by any person arrested or notified by a peace officer of the Department of Parks and Recreation and occurring on property owned, administered, or controlled by the department The bill would declare that those moneys are available, when appropriated therefor, to pay refunds of erroneously deposited fines and forfeitures and for training department employees, as specified The remaining 50% would be transferred to the general fund of the county. The bill would also make nonsubstantive corrective and clarifying changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 885 (AB 3319) Wyman Community colleges· maintenance allowance.

Existing law requires community college districts to pay, as specified, an in-lieu of transportation allowance of $4 per calendar day to the parents or other persons having control of a student meeting certain qualifications who resides within territory not included within any community college district for the period in which the student is enrolled full-time in credit classes in a community college.

This bill would clarify that requirement by specifying that a maintenance allowance shall be paid each calendar day, including weekends and school holidays, for the portion of a semester, quarter, or other session or term in which the student is enrolled full time

in credit classes in a community college, but would provide for an allowance not to exceed $4 per calendar day.

This bill would require that a student, in addition to residing in nondistrict territory, reside more than 90 miles from the nearest community college attendance center where the student can satisfy his or her program requirements in order to receive a maintenance allowance.

This bill would require the chancellor to determine the daily allowance rate for the prior fiscal year, and would further provide for a proration of claims if the claims exceed a specified amount Community college districts would be required to pay eligible students at the rate prescribed by the chancellor no later than 90 days after the close of each fiscal year The bill would also require the chancellor to prescribe procedures for the submission of claims

The bill would also make related technical changes in existing law.

Ch. 886 (AB 3666) Vicencia. Real estate brokers.

Existing law provides that a person who acts as a real estate broker in certain specified capacities and who intends or expects to negotiate in any successive 12 months, any combination of 20 or more new loans and sales or exchanges of existing promissory notes and real property sales contracts of an aggregate amount of more than $2,000,000 is required to submit a proposed advertisement relating to certain real estate transactions to the Real Estate Commissioner for his or her approval, prior to its use

This bill would generally provide that such a person shall, in addition, file with the commissioner a trust funds status report as of the last day of the fiscal quarter, as specified

This bill would also repeal certain provisions relating to advertising by real estate brokers which have been superseded by other provisions relating to advertising by real estate brokers

The existing Real Estate Law defines a real estate broker to include a person who, for compensation, solicits borrowers or lenders for loans

This bill would provide that certain provisions of the Real Estate Law, including disclosure requirements, will apply to a real estate broker when he or she solicits borrowers or causes borrowers to be solicited, through express or implied representations that the broker will act as an agent in arranging a loan but in fact makes the loan from funds belonging to the broker

Existing law requires a real estate broker who negotiates a loan to be secured directly or collaterally by a lien on real property to deliver a written disclosure statement to the borrower before the borrower becomes obligated to complete the loan Existing law requires that the statement set forth the estimated maximum costs of making the loan, as well as the total of the bonuses, brokerage or commissions for or to be received by any person for negotiating, procuring, or arranging or making the loan.

This bill would provide instead that the total of the brokerage or commissions contracted for or to be received by real estate brokers for services performed as an agent in negotiating, procuring or arranging the loan, or the total of loan origination fees, points, bonuses and other charges in lieu of interest to be received by the broker if he or she elects to act as a lender rather than an agent in the transaction, is required to be disclosed in the statement to the borrower The bill would also require a real estate broker who elects to make a loan from broker-controlled funds, as defined, to advise the borrower of this fact within a prescribed period of time

Ch 887 (SB 1276) Beverly Property taxation separate assessment.

Existing law requires the assessor, upon written request, to separately assess individual interests in a community apartment project, a stock cooperative, or a limited equity housing cooperative, as defined. Existing law also prescribes those interests which are to be separately assessed and authorizes the assessor to charge a fee for the initial cost of separately assessing those interests.

This bill would make estates in timeshare projects, as defined, eligible for separate assessment, upon written request and would also authorize the assessor to charge a fee for the initial and the on going cost of the separate assessment and billing with respect to a timeshare project. This bill would provide for the separate tax billing of a timeshare estate and for the singular tax billing of a timeshare project with itemization of taxes for

each separately assessed interest therein.

Under existing law, Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement The statutory provisions requiring reimbursement will be supplemented by a constitutional requirement of reimbursement effective for statutes enacted on or after July 1, 1980.

This bill provides that no appropriation is made by this act because self-financing authority is provided, as specified

This bill would take effect immediately as an urgency statute.

Ch. 888 (AB 2485) N Waters Domestic water supply systems

(1) The California Safe Drinking Wate - Bond Law of 1976 permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that those suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law Chapter 322 of the Statutes of 1978 authorized the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources

This bill would authorize grants from the California Safe Drinking Water Fund not to exceed the amount of $400,000 each to the Union Public Utility District, the River Pines Public Utility District, the City of Plymouth, and the Lockford Community Services District, and not to exceed the amount of $368,000 to the Sunset Heights Community Services District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards The bill would make legislative findings in that connection The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with the provisions of Chapter 322 of the Statutes of 1978

(2) Chapter 695 of the Statutes of 1981 authorized a grant not to exceed the amount of $178,000 from the California Safe Drinking Water Fund to the Oakdale Irrigation District for the purpose of improving its domestic water system.

This bill would increase the amount of the grant to not to exceed $246,000

(3) The bill would take effect immediately as an urgency statute

Ch. 889 (SB 1635) Vuich. Bees.

(1) Existing law requires every person that is the owner or in possession of an apiary, on November 1 of each year, or within 30 days thereafter, to register the number of colonies in each apiary and the location of the apiary with the county agricultural commissioner The same requirement exists for every person that moves bees into the state or that otherwise comes into possession of any apiary located within the state

This bill would change the registration date to January 1

(2) Existing law requires each beekeeper, apiary owner, apiary operator, or the person in possession of any apiary to pay to the Director of Food and Agriculture an annual assessment fee in an amount determined by the director which may not exceed a specified schedule for bee disease control and related purposes. These fees are credited to the Department of Food and Agriculture Fund

This bill would suspend this fee schedule until January 1, 1986, and would provide, until January 1, 1986, that the director may set the assessment fee in an amount not to exceed 35¢ per colony after consultation with the Apiary Board, thus making an appropriation from the Department of Food and Agriculture Fund, which is a continuously appropriated fund, by increasing the deposits therein Beekeepers with less than 40 colonies would be exempt from the assessments The department would be required to match any funds raised by these assessments, and the matching funds would have to come from existing appropriations budgeted to the department in the 1982–83 Budget Act, as specified

(3) Existing law requires that any funds collected by the director from apiary assessments be used for specified purposes relating to bee management

This bill would require the director, within those specified purposes, to pay ⅝ of the funds received from apiary assessments to the counties as reimbursement for costs incurred by the commissioner in the administration and enforcement of laws relating to bees pursuant to a specified contract entered into between the director and the commissioner

(4) This bill would require, until January 1, 1986, that each beekeeper, apiary owner, apiary operator, or person in possession of any apiary pay an annual registration fee of $10 to the commissioner to cover the cost of apiary registration.

(5) Existing law authorizes the director to adopt regulations to minimize the hazard to bees, while still providing for the reasonable and necessary application of pesticides toxic to bees and blossoming plants Any regulations thereby adopted are required to include provisions for the mandatory notice of movement of apiaries

This bill would authorize the director to promulgate regulations relating to pesticides toxic to bees that are applicable to either the entire state or specified areas of the state. Regulations that are applicable to only specified areas would be required to include provisions for the mandatory notice of movement of apiaries, and regulations that are applicable to the entire state would not be required to include these notice provisions.

Ch. 890 (SB 1788) Mello Commercial fishing.

(1) Existing law prohibits, until January 1, 1983, the commercial taking of white seabass without a revocable permit issued by the Department of Fish and Game. This prohibition is only operative after the Fish and Game Commission establishes a closed season on sport fishing for white seabass between March 15 and June 15, inclusive, between the boundary with Mexico and Point Conception

This bill would extend only the prohibition on the commercial taking of white seabass between March 15 and June 15, until January 1, 1988.

(2) Existing law states the conditions under which a revocable permit specifically for the purpose of taking white seabass may be issued including the qualifications of the permittees. Existing law also requires a permit for the use of gill nets in commercial fishing.

This bill would repeal the provisions that establish the specific permits to take white seabass and the conditions under which those permits may be issued.

(3) Existing law prohibits, until January 1, 1983, the taking, possessing, selling, or purchasing of any white seabass less than 28 inches in length

This bill would extend this prohibition until January 1, 1988.

(4) Existing law prohibits, until January 1, 1983, the use of drift gill nets and set gill nets in specified locations to take rockfish and lingcod

This bill would extend this prohibition until January 1, 1988

The bill would also prohibit until January 1, 1988, the use of gill nets and trammel nets with less than a 6-inch mesh in specified portions of District 19

(5) This bill would also make other clarifying changes in those provisions.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 891 (SB 1580) Craven Marketing orders and agreements California Wheat Commission

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities.

This bill would establish the California Wheat Commission, with prescribed membership, and prescribe its powers, duties, and responsibilities in carrying out the provisions of the bill The commission would be authorized to carry on programs of advertising, promotion, marketing research, and production research relating to wheat. The bill would authorize the commission to levy and expend an assessment on producers of wheat, as prescribed, for purposes of carrying out the provisions of the act Any person,

firm, or corporation subject to the assessment would be authorized to request a total or partial refund of a paid assessment which the commission would be required to make within a specified period of time.

The provisions of the bill, except as necessary to conduct an election, would not become operative until the producers of wheat, by referendum, vote in favor of the provisions of the bill, as prescribed. The bill would also provide for the suspension and termination of the operation of its provisions and for concluding the operations of the commission

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 892 (SB 33) Presley Air pollution. motor vehicle inspection and maintenance program

(1) Existing law requires the owner of a motor vehicle, upon initial registration and upon transfer of ownership and registration, to have a certificate of compliance indicating that the vehicle is properly equipped with required motor vehicle pollution control devices The State Air Resources Board is authorized to contract with a public or private entity to design, implement, or operate an inspection program for the mandatory periodic emission inspection of all motor vehicles registered in the South Coast Air Basin, in accordance with specified requirements

This bill would enact provisions establishing a biennial motor vehicle inspection and maintenance program providing for inspection of motor vehicles upon initial registration, biennially upon renewal of registration, and upon change of ownership, which would be repealed on January 1, 1990 The Department of Consumer Affairs would have the sole and exclusive authority for developing and implementing the program and would have specified administration and enforcement powers The bill would authorize any air pollution control district or air quality management district located within a federally designated urban nonattainment area to request the department, as expeditiously as possible after January 1, 1983, to implement a motor vehicle inspection program. An implemented program would be mandatory for all motor vehicles registered and garaged in the district, except that specified vehicles would be exempted from the program Any vehicle permanently located on an island in the Pacific Ocean which is located 20 miles or more from the mainland coast would be exempted from the program.

The bill would create a review committee to analyze the effect of the program on vehicle emissions and air quality. The committee would be required to report to the Legislature not later than 36 months following implementation of the program, and to make subsequent reports at least every 24 months thereafter If the study determines that the average reduction in emissions of hydrocarbons and carbon monoxide from inspected vehicles is less than 10%, the review committee would be required to make recommendations for improvements or to recommend termination if improvement cannot be recommended to achieve emissions reductions of at least 10%.

The bill would define the term "components of emissions control systems" for the purposes of the law relating to air pollution.

The bill would provide that the program implemented in a district would supersede and replace any other motor vehicle emission inspection program in the district

The bill would require the program to provide for privately operated vehicle test stations and repair stations licensed by the department The department would be required to contract with more than one private entity on a statewide basis for the consumer protection-oriented portion of the program. The bill would provide for the qualification of test mechanics and repair mechanics by completion of training courses prescribed and administered by the department. It would create a 5-member advisory board consisting of test or repair station owners or managers, test or repair mechanics, and a public member to recommend the content of training courses, all of whom would be appointed by the Director of Consumer Affairs The department would be authorized to impose annual fees on the stations, and training course fees on the mechanics, not

exceeding the reasonable cost of administering the qualifications and licensing program and not to exceed $10

A licensed test station or licensed repair station would be required to issue a certificate of compliance, signed by a licensed inspector, for a vehicle complying with program requirements A licensed repair station would be required to issue a certificate of compliance, signed by a licensed inspector, for a vehicle after performing a low-emissions service and adjustment or repair, or, with the approval of the department, after certifying that no adjustment or repair can be made within the cost limitation. The department would be required to set a cost limitation on low-emissions service and adjustments, including parts and repairs, at not more than $50, but would be authorized to increase the cost limitation to $100 on the basis of specified factors, except that there would be no limit where emissions control equipment is missing or is partially or totally inoperative as a result of tampering

The department would be required to prescribe the form of the certificate of compliance and to charge a fee not to exceed $6 to licensed test stations and repair stations for issuance of the forms, except that the fee could be reduced by the department if the surplus in the Vehicle Inspection Fund exceeds the reasonable cost of administration Fees collected by the department for licensing stations, for administering training courses to mechanics, and for certificates of compliance and civil penalties collected for violations would be deposited in the Vehicle Inspection Fund and would be available to the department upon appropriation by the Legislature.

The bill would require the Department of Motor Vehicles to require owners of motor vehicles subject to the program to submit a certificate of compliance biennially along with the vehicle registration application.

(2) The bill would require the state board to review the requirement that 1966 to 1970 light-duty motor vehicles be equipped with exhaust control devices and to report to the Legislature not later than January 1, 1984.

(3) Existing provisions of the Budget Acts of 1977 and 1978 appropriated funds from the Motor Vehicle Account in the State Transportation Fund to the state board for loans for the purposes of the inspection program in the South Coast Air Basin and required the funds to be repaid by December 31, 1981, and December 31, 1983, respectively, in accordance with terms and conditions prescribed by the Department of Finance, from revenues from inspection fees

This bill would provide that, notwithstanding the Budget Act provisions, no portion of the loans would be required to be repaid until January 1, 1986

(4) The bill would incorporate additional changes in Sections 4000.1 and 4602.1 of the Vehicle Code made by AB 3114 if both this bill and AB 3114 are chaptered and this bill is chaptered last

(5) The bill would also appropriate $3,500,000 from the Motor Vehicle Account in the State Transportation Fund to the Director of Finance to make loans to the department for the purposes of the emission inspection program authorized by this bill, to be repaid on or before December 31, 1984, from inspection fee revenues.

Ch 893 (SB 2035) Roberti. Criminal law.

Existing law relating to crimes provides that intent or intention is manifested by the circumstances connected with the offense

This bill would provide that in the guilt phase of a criminal action or juvenile adjudication hearing, evidence that the accused lacked the capacity or ability to control his conduct for any reason shall not be admissible on the issue of whether the accused actually had any mental state with respect to the commission of any crime, as specified

Existing law specifies that evidence of voluntary intoxication is admissible on the issue of whether the defendant formed a mental state, whenever a mental state is a necessary element to any particular species or degree of crime.

This bill instead would limit evidence of involuntary intoxication to the issue of whether the defendant (a) actually formed a required specified intent, (b) premeditated, (c) deliberated, or (d) harbored malice aforethought, when a specific intent crime is charged

Existing law authorizes evidence of mental disease, defect, or disorder to show whether the defendant actually formed a mental state

This bill instead would authorize evidence of mental disease, defect, or disorder solely

on the issue of whether the defendant (a) actually formed a required specific intent, (b) premeditated, (c) deliberated, or (d) harbored malice aforethought, when a specific intent crime is charged The bill would provide that this provision shall not limit a court's discretion pursuant to the Evidence Code to admit or exclude psychiatric or psychological evidence on whether the accused had a mental disease, mental defect, or mental disorder at the time of the alleged offense

Existing law defines the term malice, for purposes of murder

This bill would revise the definition to specify that acting despite an awareness of the obligation to act within the general body of law regulating society is included within the definition of malice

This bill would provide that the amendments to specified provisions made by this bill are declaratory of existing law

Ch 894 (SB 1423) Petris. Peace officer training.

Under existing law, the Commission on Peace Officer Standards and Training may establish and enforce minimum standards relating to peace officer members of, among other entities, districts. For such purposes, the definition of "district" does not expressly include municipal utility districts

This bill would add certain municipal utility districts to that definition for those purposes, as specified.

This bill would expand the provisions regarding the eligibility of cities, counties, or districts to receive state aid for training expenses which would be paid out of the Peace Officers Training Fund, a continuously appropriated fund.

Ch. 895 (AB 2487) Hughes Student Aid Commission: membership student financial need.

(1) Existing law prohibits the Student Aid Commission or any other public postsecondary educational institution from considering the income of the parents of an applicant for financial assistance in the determination of the applicant's financial need if the applicant meets certain specified requirements

This bill would make a specified change in those requirements. It would also authorize the commission, whenever it determines that it is in the state's best interest to do so, to adopt regulations to bring those requirements into conformance with changes in the federal definition of student independence from parents for purposes of student financial assistance

(2) Existing law provides for the Student Aid Commission and prescribes its various duties. The commission is composed of 11 members, including 2 student members, appointed by the Governor Existing law prohibits both student representatives from being enrolled in a California independent college or university or the University of California or the California State University or a California community college.

This bill would require the Governor to appoint each student member of the commission from the persons nominated by 4 specified student organizations and would require that the participating student organizations, as specified, inform students within their respective segment of pending student vacancies on the commission The bill would authorize the Governor to reappoint a person as a student member if the person is renominated, as specified. It would prohibit both student representatives from being enrolled in the same segment, as defined, of postsecondary education in California

(3) Existing law provides for the California Educational Facilities Authority. The authority consists of 5 members, one of whom is the Treasurer Under current law, the authority annually elects from among its members a chairman and a vice chairman

This bill would specify that the Treasurer shall serve as chairperson of the authority

Ch 896 (AB 2428) Wray Trainmen hours of work

Existing law prohibits requiring or knowingly permitting any trainman to work more than 16 consecutive hours or to work thereafter until he has had 10 consecutive hours off duty. It also prohibits requiring or permitting any trainman to work more than 16 hours in the aggregate in any 24-hour period until he has had at least 8 consecutive hours off duty.

This bill would change these 16-hour limitations to 12 hours

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 897 (SB 1683) Mello Cemeteries: endowment and special care.

(1) Existing law makes it a misdemeanor to violate certain provisions of the law relating to the establishment and maintenance of cemeteries under endowment or other special care

This bill would provide for an alternative misdemeanor or felony punishment for any person, partnership, or corporation administering, managing, or having responsibility for endowment or special care funds who violates certain provisions relating to the collection, investment, or use of these funds.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 898 (SB 1758) Sieroty. Cultural institutions: summer school for the arts. California Museum of Afro-American History and Culture.

(1) Under existing law, there are no provisions for the establishment of a state summer school for the arts.

This bill would state the intent of the Legislature that a California State Summer School for the Arts be established to provide professional training to artistically gifted and talented pupils who may wish to pursue careers in the arts, as defined This bill would require the California Arts Council and the State Department of Education to establish a California State Summer School for the Arts Advisory Council, as specified, to assist in program development activities associated with the establishment of the California State Summer School for the Arts and in the selection of faculty and instructors. This bill would limit the total reimbursement made available to members of the council for the actual necessary traveling expenses to an amount not to exceed $15,000 per fiscal year

This bill would require the California Arts Council and the State Department of Education to promulgate rules and regulations governing fees, applications, and admission to the California State Summer School for the Arts, as specified This bill would state the period of summer instruction which would be authorized under this bill, and would state that the faculty of the school shall be comprised of both arts educators and professional artists.

This bill would state the legislative intent that operating and program costs may be provided through the acceptance of public and private funds contributed through the California Alliance for Arts Education, and that, whenever feasible, state facilities would be utilized for instructional programs

This bill would specify that prior to the establishment of the California State Summer School for the Arts, the California Arts Council, State Department of Education, and the California State Summer School for the Arts Advisory Council report to the Legislature on or before December 31, 1983, with respect to the administration of the school

(2) Under existing law, the California Museum of Afro-American History and Culture is governed by a 7-member advisory board which has 4 of the 7 members appointed by the Governor

This bill would require the Governor's appointments to the advisory board to be for 4-year terms, as specified

Ch 899 (AB 2359) Johnston Plants: shipment certificates; quarantines and quarantine inspection stations

(1) Existing law requires the county agricultural commissioner to inspect a shipment

of plants destined for a point outside the county and issue a certificate that states the facts which are required by the state or county of intended destination, including facts regarding fumigation or treatment as a condition of shipment It is a misdemeanor for any person to alter, deface, or wrongfully use a certificate issued under these provisions.

This bill would make any violation of the provisions relating to plant certification an infraction punishable by a fine of $75 for the first offense and a misdemeanor for a second or subsequent offense within 3 years of a prior conviction of such an offense

(2) Existing law authorizes the Director of Food and Agriculture to establish, maintain, and enforce quarantine regulations that the director deems necessary to protect the agricultural industry of the state from pests. Existing law also requires the director to maintain plant quarantine inspection stations at those places within the state that the director deems necessary for the purpose of inspecting all conveyances which might carry plants or other things which are, or are liable to be, infested or infected with any pest The operator of a vehicle is required to stop at an inspection station or to stop upon demand of a uniformed plant quarantine officer to determine whether any quarantine which is established is being violated. A violation of these provisions is a misdemeanor.

This bill would make any violation of a provision relating to quarantine violations or inspection stations an infraction punishable by a fine of $75 for the first offense and a misdemeanor for a second or subsequent offense within 3 years of a prior conviction of such an offense. The bill would also authorize plant quarantine officers and California Highway Patrol officers to cite persons who commit those infractions, and would require, in addition, that the plant quarantine officer demanding that an operator stop at an inspection station be clearly identified.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch. 900 (AB 2479) Frizzelle. Vehicles: courts· night sessions: assessments.

(1) Under existing law, with specified exceptions, a $1 assessment on every fine and forfeiture for violations of the Vehicle Code, and ordinances adopted pursuant thereto, is imposed by a municipal court conducting a night session.

This bill would instead, permit the assessment to be levied by any court conducting a night court session only at those locations where night sessions are held and where the person is required to appear If the assessment is levied on any person who has an option to appear at a night court session within 25 miles of the location of the court where he or she is otherwise required to appear, the bill would require the court to submit a specified report to the Legislative Analyst by February 1, 1986.

(2) The bill also would make related changes

Ch 901 (AB 3074) Goggin Crimes.

Under existing law, a person who obtains credit, food, or accommodations at certain establishments without paying and with intent to defraud, or by false pretense, or who absconds, or surreptitiously, or by force, menace or threats, removes his baggage without paying for the food or accommodations, is guilty of a misdemeanor.

This bill, with respect to the provisions dealing with removal of baggage, would require an intent not to pay

The bill would increase the possible punishment by providing a fine not exceeding $1,000, as well as imprisonment for a term not exceeding 6 months, where the value of the credit, food, or accommodations is $400 or less, and where the value exceeds $400, by providing for imprisonment in the county jail for a term of not more than 1 year, or imprisonment in the state prison

The bill would also provide that evidence that the person left without paying or offering to pay is prima facie evidence that, if after obtaining the credit, food, or accommodations, the person absconded, or surreptitiously, or by force, menace, or threats removed part of his or her baggage, the person did so with the intent not to pay

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 902 (SB 1707) Presley. Vehicles parking and traffic infractions. procedure on arrest

Under existing law, when a person is taken into custody for bail to be collected on an outstanding warrant for failure to appear on a citation for a parking offense or a traffic infraction, the person may be booked in jail, photographed, fingerprinted, and searched, except that a person with 4 or fewer outstanding warrants taken into custody under those circumstances may not be booked, photographed, or fingerprinted, and an arrest record may not be made, when the amount of bail required to be paid on the warrant may be ascertained by reference to the face of the warrant or to a bail schedule, unless the person is first given the opportunity to post bail or to arrange to post bail, in specified ways, among these, by being given the opportunity to make not less than three completed telephone calls to obtain bail

These provisions will be repealed on January 1, 1984, unless a later enacted statute extends or deletes that date

This bill would provide that a police or sheriff's department may permit a person to use the department's telephone to make not less than 3 completed local or collect long distance calls to obtain bail. The bill would authorize the police or sheriff's department to add to the person's bail the actual identifiable cost to the department, if any, of the telephone calls

Ch 903 (SB 1710) Johnson Empire Mine State Historical Park, recreational trails heritage corridors

(1) Under existing law, the state park system is under the control of the Department of Parks and Recreation Additionally, under the Surface Mining and Reclamation Act of 1975, a reclamation plan is required to be filed with the city or county with respect to the conduct of surface mining operations, which plan is required to include plans for reclamation of the land that are adequate for proposed or potential uses of the land.

This bill would specify provisions required to be included in any contract between the department and the Empire Mine Association with respect to the retention and expenditure of funds by the association and the transfer on July 1, 1992, of funds to the state by the association resulting from a contract between the association and a mine operator at Empire Mine State Historical Park

The bill would also provide that, if the preparation of a reclamation plan is required as a condition of reworking the mine tailings at the park, the plan may provide for the retention of a suitable quantity of reworked tailings for the purpose of interpreting historic mining operations at the Empire Mine

These provisions would be repealed on January 1, 1993, unless a later enacted statute chaptered before that date deletes or extends that date

(2) Under the California Recreational Trails Act, the Director of Parks and Recreation is required to prepare and continuously maintain the California Recreational Trails System Plan The plan is required to contain, among other things, an element providing for trails and areas suitable for use by physically handicapped persons Additionally, in specifying criteria and standards for the design and construction of trail routes and complementary facilities, the director is required to include, among other things, routes which are, or may be, the subject of agreements providing for participation of other public agencies in state trail acquisition, development, or maintenance

This bill would require the director to include routes which are, or may be, the subject of agreements providing for the participation of other public agencies, cooperating volunteer trail associations, or any combination of those entities, for those purposes The bill would also permit any local, state, or federal agency, in the development of the South Yuba Independence Trail Project, to enter into multiple-party revocable agreements with private landowners and cooperating volunteer trail associations which permit the

landowner to revoke the use of the trail, without claim of implied dedication, if management or maintenance levels are below standards established in the agreement.

The bill would designate the route commonly known as the Golden Chain on State Highway Route 49 as a heritage corridor under the act and would appropriate $100,000 from the California License Plate Fund to the department for the acquisition and development of conservation easements, nondevelopment easements, and fee title in specified lands and projects, subject to provisos The bill would also designate State Highway Route 1 from the Golden Gate Bridge to Route 101 near Leggett and State Highway Route 101 from that point to the Oregon state line as the Coast Highway Heritage Corridor.

(3) The bill would take effect immediately as an urgency statute.

Ch. 904 (SB 1817) Keene. Disability insurance. eligibility.

(1) Under existing law, an unemployed individual may establish a claim for unemployment compensation disability benefits for up to 19 months following his or her termination of employment. The amount of benefits payable to an individual depends on the amount of wages paid to the individual during the calendar quarter of his or her base period in which his or her wages were highest. Money in the Disability Fund is continuously appropriated for the purpose of paying disability benefits to eligible individuals.

This bill would extend this maximum eligibility period up to 3 years following the individual's termination of employment by excluding from the individual's base period those calendar quarters during which the individual performed no services in employment for 60 days or more and was actively seeking work, and substituting for these excluded quarters an equal number of quarters immediately preceding the commencement of the normal disability base period.

(2) Existing law requires an initial claim for state disability compensation benefits to be filed not later than the 20th day following the first compensable day of unemployment and disability.

This bill would extend the claim filing time limit to the 41st day following the first compensable day.

This bill would take effect immediately as an urgency statute.

Ch 905 (SB 1848) Watson Child abuse

Existing law requires certain persons to report known or suspected instances of child abuse, as specified A failure to make such a report is a misdemeanor Existing law also provides that it is a crime to sexually exploit a child: sexual exploitation consists of knowingly developing, duplicating, printing, or exchanging a film, photograph, videotape, negative, or slide in which a person under the age of 14 is engaged in an act of sexual conduct, as defined.

This bill would require any person who is a commercial film and photographic print processor, as defined, to report suspected instances of child abuse related to sexual conduct, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 906 (SB 1888) Dills Alcoholic beverages. sales to nonlicensees.

Existing law authorizes any licensed beer manufacturer, wine grower, brandy manufacturer, rectifier, or wholesaler to sell beer, wine, or brandy, as specified in his or her respective license, to nonlicensees having fixed places of business or residence on territory in California maintained by the federal government as a military or naval reservation or national park or veterans homes and veterans homes maintained by the State of California.

This bill would include in those provisions sales to nonlicensees on Indian country or land dedicated for use by Indians

Ch 907 (SB 1593) Watson. Schools

(1) Existing statutory law contains no provisions regarding areas where teachers or other school employees are permitted to or prohibited from smoking

This bill would require the governing board of every school district to adopt policies regarding the designation of employee smoking areas or lounges at each school site, and would prohibit teachers or other school employees from smoking on the grounds of public schools except in the areas designated for employee smoking by the governing board of the district.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required

Ch 908 (SB 1622) Schmitz. Counties· budgets. expenditures

Under existing law, if, at the beginning of a fiscal year, a county has not finally adopted a budget for the fiscal year, certain expenditures may nevertheless be made in accordance with the proposed budget or the budget for the previous fiscal year. Expenditures for fixed assets are specifically excluded from such authorized expenditures

This bill would permit counties to make expenditures for the construction, improvement, maintenance, or repair of real property prior to adoption of the final budget if the expenditures were budgeted but unencumbered in the prior fiscal year.

Ch. 909 (SB 2034) Vuich. Banks.

Under the Banking Law, the term "control" is defined for the purposes of applying the laws relating to the acquisition of control of a bank or of a person or entity which owns or controls a bank, as the possession of the power to direct or cause the direction of the management and policies of a person, as defined

This bill would revise this definition of "control" to include the possession of power to vote 25% or more of any class of the voting securities issued by a person, as defined

Ch. 910 (SB 1740) Sieroty. Teacher preparation credentials

Existing law authorizes the Commission for Teacher Preparation and Licensing to issue emergency credentials in accordance with regulations adopted by the commission when an insufficient number of certified teachers are available Existing law specifies that an emergency credential may not be issued unless the holder has completed at least 90 semester units of college work

This bill would specify that an emergency credential may not be issued unless the holder has received a baccalaureate degree from a regionally accredited institution

This bill would specify that in the event that a school district or county office of education, after having solicited and reviewed applications for teaching positions, finds that there is an insufficient number of candidates for emergency credentials, the governing board of the district or the county board of education may, until January 1, 1985, make a declaration of this insufficiency, as specified The commission would be authorized to issue emergency credentials for service in districts and county offices of education adopting this declaration to individuals who have completed at least 90 units of college level coursework at an accredited institution.

Ch. 911 (AB 2718) Kapiloff. Property taxation: changes in ownership.

(1) Existing law provides for various methods in assessing real property when changes in ownership occur

This bill would provide that any transfer between or among the same parties for the purpose of correcting or reforming a deed to express the true intentions of the parties shall not be a change in ownership for reassessment purposes, provided the original grantor/grantee relationship is not changed It would also provide that change in ownership does not include any intrafamily transfer of an eligible dwelling unit, as defined,

from a parent or parents or legal guardian or guardians to a minor child or children or between or among minor siblings as a result of the court order or judicial decree due to the death of the parent or parents

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would also incorporate additional changes in Section 62 of the Revenue and Taxation Code proposed by AB 3382 if both bills are chaptered and this bill is chaptered last.

Ch. 912 (SB 614) Johnson. Public Employees' Retirement System: benefits.

Existing Public Employees' Retirement Law provides that specified benefits are discontinued to a surviving spouse who remarries

This bill would provide that: a surviving spouse receiving an allowance on January 1, 1983, may, within a specified 3-month period, irrevocably elect to receive a reduced lifetime allowance which is the actuarial equivalent of the allowance otherwise payable; a surviving spouse of a member whose death occurs on or after January 1, 1983, may, within 10 months of the death, irrevocably elect to receive such a reduced allowance.

This bill would appropriate $20,000 from the Public Employees' Retirement Fund to the Public Employees' Retirement System to pay the costs of administering this act.

Ch. 913 (SB 1367) Ellis Wages, hours, and working conditions: apartment managers

Existing law requires the Industrial Welfare Commission to regulate the wages, hours, and conditions of employment of employees in this state.

This bill would provide that no employer shall be in violation of any provision of an order of the Industrial Welfare Commission relating to credit or charges for lodging for charging, pursuant to a voluntary agreement, a resident apartment manager up to ⅔ of the fair market rental value of the apartment supplied to the manager, if no credit for the apartment is used to meet the employer's minimum wage obligation.

Ch. 914 (AB 3375) Elder. State highways: Routes 7 and 47.

Under existing law, State Highway Route 7 is from Route 1 to Route 210 in Pasadena and Route 47 is from Route 110 in San Pedro to Route 10 via the Vincent Thomas Bridge.

This bill would make additions to Route 7, and additions to and deletions from Route 47 These changes to Routes 7 and 47 would become operative only if a specified financial plan prepared by the Los Angeles County Transportation Commission in cooperation with the Department of Transportation is submitted by January 1, 1984, to, and approved by December 31, 1984, by, the California Transportation Commission

Ch 915 (AB 3308) Berman. Beer dispensing equipment.

Existing law does not require beer dispensing equipment to have a visually inspectable without disassembly, pressure-relief rupture apparatus, or functional equivalent, if that equipment uses a source of pressure other than hand pumping.

This bill would require all retail distributors and commercial establishments, as defined, on or after January 1, 1984, to utilize a pressure-relief rupture device, or other pressure relief device which performs equivalently, on beer dispensing equipment which uses a source of pressure other than hand pumping. The bill would not require that the apparatus or functional equivalent be directly placed on the keg itself. The bill would further require, on or after January 1, 1984, that a warning, as specified, be clearly displayed or securely attached to all beer kegs. The bill would further make any commercial establishment or retail distributor which violates these provisions subject to a civil penalty not to exceed $500 for each violation

Ch. 916 (AB 3323) Nolan State civil service disciplinary actions

Existing law provides that, except for suspension for certain behavior or acts outside of duty hours, whenever an answer is filed by a state employee who has been suspended without pay for 10 days or less the State Personnel Board or its authorized representative shall make an investigation with or without a hearing, and that whenever an answer is filed by an employee to an adverse action other than a suspension without pay for 10 days or less, the board or its authorized representative shall hold a hearing within a reasonable time.

This bill would provide instead that except for disciplinary action for certain behavior or acts outside of duty hours and subject to conflicting provisions of memoranda of understanding, whenever an answer is filed by a state employee who has been suspended without pay for 5 days or less or who has received a formal reprimand or up to a one-step reduction in pay for 4 months or less, the board shall make an investigation with or without a hearing

The bill would provide also that whenever an answer is filed to any other adverse action, the board or its authorized representative within a reasonable time shall hold a hearing.

Ch. 917 (SB 294) Nielsen. Criminal procedures capital cases

Existing law requires the State Supreme Court to decide appeals in capital cases within 150 days of the certification of the entire record, except as specified.

This bill would specify the contents of the entire record.

Existing law provides for appointment of counsel in capital cases.

This bill would require the court to notify appointed or retained counsel of specified duties in capital cases

Under existing law, it is the duty of trial counsel in criminal, juvenile and civil commitment cases to counsel prospective indigent appellants relative to arguably meritorious grounds for appeal except as to an issue regarding the competency of such counsel. The State Public Defender would be required upon request to assist such prospective indigent appellant or his counsel as to whether arguably meritorious grounds for appeal exist Existing law in this connection also makes specified requirements relative to the filing of notices of appeal in criminal, juvenile court and civil commitment cases

This bill would limit such duties relative to the filing of notices of appeal to noncapital cases, and would impose specified additional duties upon trial counsel relative to representing defendants and preparation of the record on appeal in capital cases

The bill would require that any savings realized by the Office of the Attorney General or the State Public Defender as a result of this act be reverted to the General Fund from funds appropriated to those offices for the 1982–83 fiscal year

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required

Ch 918 (AB 3038) Farr State Teachers' Retirement System benefits

Existing State Teachers' Retirement Law permits retirants to work for a school district or other ~~contracting~~ [employing]* agency and earn up to $5,000 in a fiscal year in specified school positions without reinstatement or reduction of retirement allowances and provides that the maximum amount earnable by retired teachers would be annually adjusted by 50% of the increase in the All Urban California Consumer Price Index until June 30, 1983, with December 1980 as the base

This bill would provide for such adjustment on July 1, 1983, and each July 1, thereafter.

Ch 919 (AB 3519) Bergeson. Prisoners: notice of release.

Existing law requires notice to be given to the Attorney General when a prisoner is transferred from county jail to a state prison for safekeeping.

This bill would require instead that such notice be given to the Director of Corrections

Existing law requires notice of release of persons convicted of arson to be given by the Director of Corrections to the Department of Justice, which in turn must notify specified local law enforcement agencies.

This bill would require instead that such notice be given directly to such local law enforcement agencies by the Director of Corrections.

Ch 920 (AB 3502) Agnos Political Reform Act of 1974.

Existing provisions of the Political Reform Act of 1974, with certain exceptions, impose various prohibitions against the making of contributions and make a violation of those provisions subject to criminal penalties

This bill would prohibit the receipt or personal delivery of contributions in the State Capitol, in any state office building, or in any office in which the state pays the majority of rent other than a legislative district office. This prohibition would be subject to the aforementioned criminal penalties

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 921 (SB 2088) Stiern Courts: arbitration

Existing law establishes various programs for judicial arbitration of civil actions.

This bill would restore provisions for the judicial arbitration programs previously established in Los Angeles and San Bernardino Counties.

The bill would take effect immediately as an urgency statute.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 922 (AB 684) Young Workers' compensation

(1) Existing law provides that the provisions of the workers' compensation law shall be liberally construed by the courts with the purpose of extending their benefits for the protection of persons injured in the course of their employment.

This bill would provide that nothing in this provision shall be construed as relieving a party from meeting the evidentiary burden of proof by a preponderance of the evidence, as defined

(2) Existing law provides that the right to recover workers' compensation is the exclusive remedy for injury or death of an employee against the employer, with specified exceptions. The California courts have also permitted employees to bring an action at law against the employer in certain specified instances of dual capacity.

This bill would provide that the right to workers' compensation is the sole and exclusive remedy of the employee against the employer, and the fact that either party also occupied another or dual capacity shall not permit the employee to bring an action at law for damages against the employer The bill would permit an employee to bring an action at law for damages against the employer in specified circumstances generally relating to willful physical assault by the employer, fraudulent concealment of the injury and its connection with the employment, injury caused by a defective product manufactured by the employer and provided to the employee by an independent third person, and injuries caused by the employer's knowing removal or failure to install specified safety devices.

(3) Existing law provides that the average weekly earnings, for purposes of workers'

compensation temporary disability and permanent total disability, shall be not less than $73.50, nor more than $262.50.

This bill would instead provide that the average weekly earnings for these purposes shall not be less than $126, nor more than $294, for injuries occurring in 1983, and not less than $168, nor more than $336, for injuries occurring on and after January 1, 1984.

(4) Existing law provides that the average weekly earnings, for purposes of workers' compensation permanent partial disability, shall be not less than $45, nor more than $105

This bill would instead provide that the average weekly earnings for these purposes shall be not less than $75, nor more than $195, for injuries occurring in 1983, and not less than $105, nor more than $210, for injuries occurring on and after January 1, 1984.

(5) Existing law provides that the amount of workers' compensation shall be increased ½ where the employee is injured by the serious and willful misconduct of the employer or specified representatives of the employer, but the increase shall not exceed $10,000.

This bill would delete the limitation that this increase shall not exceed $10,000.

(6) Existing law specifies findings the Workers' Compensation Appeals Board is required to make in order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order

This bill would revise the findings the appeals board is required to make in order to support such a holding.

(7) Existing law provides a workers' compensation death benefit of up to $75,000, paid in the same manner and amount as temporary disability.

This bill would increase the maximum death benefit to $85,000, if the injury resulting in death occurred in 1983, and $95,000, if the injury resulting in death occurred on and after January 1, 1984.

(8) Existing law requires an employer to provide vocational rehabilitation benefits to qualified injured employees.

This bill would provide that the period within which an employee may request vocational rehabilitation benefits is one year from the date of the last finding of permanent disability by the appeals board, or one year from the date the appeals board approved a compromise and release of other issues, and would provide that an injured employee may institute proceedings for the collection of workers' compensation within 5 years after the date of an injury upon the ground of the need for vocational rehabilitation benefits

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(10) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 923 (SB 1209) O'Keefe Local government· planning: subdivisions: schools

(1) Under existing law, when surplus school property is sold for part cash and upon terms of deferred payments, the deferred payments must be secured by purchase money, mortgage, or deed of trust.

This bill would also permit these deferred payments to be secured by an irrevocable letter of credit issued by a state or federally chartered financial institution, or by any other type of security acceptable to the governing board of the school district which is selling the surplus property It would also permit sales made before the effective date of this act to be so secured, with the consent of the parties to the sale.

(2) Existing law prohibits a local legislative body from making any change or addition in any proposed specific plan, regulation, or amendment thereto recommended by the

planning commission until the proposed change or addition has been referred to the planning commission for a report and a copy of the report has been filed with the legislative body.

This bill would permit a local legislative body to approve, disapprove, or modify the recommendation of the planning commission on any proposed specific plan, regulation, or amendment thereto. It would only require modifications proposed by the legislative body which were not previously considered by the planning commission during its hearing to first be referred to the planning commission for its report and recommendation to the legislative body

(3) As an interim means of providing classroom facilities where overcrowding exists, existing law permits a city, county, or city and county to enact an ordinance requiring the dedication of land, the payment of fees in lieu thereof, or a combination of both, for school facilities as a condition to the approval of a residential development, as specified If the payment of fees is required, current provisions of law specify that the payment shall be made at the time the building permit is issued.

This bill would also permit fees to be paid at a later time as may be specified in the ordinance.

(4) Under existing law, an approved or conditionally approved tentative subdivision map which is required by local ordinance when the parcel map requirement is waived expires 12 months after its approval or conditional approval, or, pursuant to a local ordinance, after an additional period not to exceed an additional 18 months

This bill would specify that these maps shall expire 24 months after approval or conditional approval, or after an additional period prescribed by a local ordinance not to exceed an additional 12 months

(5) Existing law authorizes the appropriate local entity to extend the time at which an approved or conditionally approved tentative subdivision map which is required by local ordinance in lieu of a parcel map expires for a period or periods not exceeding a total of 2 years, as specified.

This bill would increase the total authorized extension to 3 years

(6) This bill would take effect immediately as an urgency statute

Ch. 924 (AB 2785) Kapiloff. Public utilities: heat corporations. geothermal or solar resources, cogeneration technology.

Under existing law, the control and regulation of public utilities is vested in the Public Utilities Commission

This bill would exempt from the definition of public utility, for these purposes, every corporation and person engaged directly or indirectly in developing, producing, transmitting, distributing, delivering, or selling heat derived from geothermal or solar resources or from cogeneration technology to any privately owned or publicly owned public utility or to the public or any portion thereof.

This bill would make additional changes in Section 216 of the Public Utilities Code, proposed by AB 3301, to be operative only if this bill and AB 3301 are both chaptered and this bill is chaptered after AB 3301.

Ch. 925 (AB 2781) Bates. Limited-equity housing cooperative.

Under the so-called "Subdivided Lands Law", limited-equity housing cooperatives are subject to all the requirements pertaining to stock cooperatives.

The bill would exempt a limited-equity housing cooperative from those requirements if (1) the United States Department of Housing and Urban Development, the Farmers Home Administration, National Consumers Cooperative Bank, the California Housing Finance Agency, or the Department of Housing and Community Development, alone, or in combination with, the city, county, or redevelopment agency in which the cooperative is located, directly finances or subsidizes at least 50% of the total development cost or the real property to be occupied by the cooperative was sold by the Department of Transportation for the development of the cooperative and has a regulatory agreement approved by the Department of Housing and Community Development; (2) no more than 10% of the total development cost is funded by purchasers of membership shares; (3) a regulatory agreement, which makes provision for at least various prescribed matters, has been executed between the recipient of the financing or subsidy and one of the above-described federal or state agency; (4) the federal or state agency satisfies itself

that the bylaws, articles of incorporations, occupancy agreement, subscription agreement, any lease of regulated premises, any arrangement with partners, and arrangements for membership shares accounts provide adequate protection of the rights of cooperative members; and (5) the federal or state agency receives from the attorney for the recipient of the financing or subsidy a legal opinion that the cooperative meets prescribed requirements and the exemption provided by the bill.

The bill would permit any limited equity cooperative which meets the requirements for exemption to elect to be subject to the "Subdivided Land Law".

The bill would require that the developer of the cooperative notify the Department of Real Estate, on a form provided by the department, that an exemption is claimed under the provisions enacted by the bill and would require the department to retain this form for at least 4 years for statistical purposes.

Ch. 926 (AB 3809) Konnyu. Vehicles: refuse and garbage trucks: back-up audible alarms.

(1) Existing law requires that vehicles be equipped with a horn in good working order, which emits sound audible under normal conditions from a distance of not less than 200 feet, but which is not an unreasonably loud or harsh sound, with a specified exception

This bill would, in addition, require that a refuse or garbage truck purchased after September 1, 1983, be equipped with an automatic back-up audible alarm which sounds immediately on backing and which is capable of emitting sound audible under normal conditions from a distance of not less than 200 feet or with an automatic back-up device which is in good working order, located at the rear of the vehicle and which immediately applies the service brake of the vehicle on contact by the vehicle with any obstruction to the rear. The bill would in addition require the back-up alarm or device to be capable of operating automatically when the vehicle is in neutral or a forward gear but rolls backward. The bill would also require that an operator, at the first scheduled overhaul for any garbage or refuse truck consider equipping the refuse or garbage truck with that alarm or device if not so equipped.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) The bill would take effect immediately as an urgency statute.

Ch. 927 (AB 2852) Harris False or fraudulent pretenses

Existing state law prohibits various acts relative to theft or fraud Existing federal law prohibits specified false or fraudulent wire, radio or television communications in interstate commerce.

This bill would prohibit specified false or fraudulent wire, radio or television communications.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 928 (SB 1298) Mello. Inspection fees permits mobilehomes

(1) Under existing law, any city, county, or city and county is authorized, whenever its governing body determines that the expenses of its health officer in the enforcement of any statute, order, quarantine, rule, or regulation prescribed by state law relating to public health, which either requires or authorizes its health officer to perform specified

acts, are not met by any fees prescribed by the state, to adopt an ordinance or resolution prescribing fees that will pay the reasonable expenses of the enforcement.

This bill would authorize any city, county, or city and county to include within the fees so prescribed the expenses of any other of its officers or employees incurred in the enforcement of any statute, order, quarantine, rule, or regulation prescribed by state law relating to public health which are not met by the fees prescribed by the state

(2) Under existing law, the Department of Housing and Community Development is required to adopt regulations specifying a standard form for use as a certificate of occupancy or statement of mobilehome installation acceptance by enforcement agencies The Department of Housing and Community Development is required to establish a schedule of fees for a permit to install a mobilehome on any site for the purpose of human habitation or occupancy as a dwelling. Existing law provides that a city, county, or city and county, which is responsible for the enforcement thereof, may establish a schedule of fees commensurate with the cost of enforcement Existing law, however, prohibits the fee for an installation permit from exceeding $40 and prohibits a reinspection fee for a mobilehome which cannot be approved for occupancy when inspected from exceeding $30

This bill would delete the specific fee limitations and would instead permit a city, county, or city and county to establish a schedule of fees not to exceed the actual cost of enforcement and not to exceed those fees established by the department where the department is the enforcement agency.

(3) Existing law authorizes the board of supervisors or health district board, when it determines that the expenses of its environmental health director in the enforcement of any statute, order, quarantine, rule, or regulation prescribed by a state officer or department relating to environmental health and sanitation are not met by any fees prescribed by the state, to adopt an ordinance prescribing such fees as will pay the reasonable expenses of the director incurred in the enforcement

The bill would additionally authorize the board of supervisors or health district board to adopt a resolution to prescribe the fees

The bill would take effect immediately as an urgency statute.

Ch. 929 (SB 221) Robbins. Crimes. house of worship

Under existing law, when a judgment of imprisonment is imposed and the statute specifies 3 possible terms, the court is required to impose the middle term unless there are circumstances in mitigation or aggravation of the crime which permit the imposition of the lower or upper term.

This bill would provide that the fact that specified acts of arson, robbery, and assault were committed in buildings or places primarily used as places of worship shall be considered a circumstance in aggravation of the crime.

Ch. 930 (SB 858) Russell. Crimes: Insanity pleas and release proceedings

(1) Existing law provides procedures for application for release of a person who has been committed to a state hospital or other treatment facility upon the ground that sanity has been restored; provides for a hearing upon the application; and provides for notice of the hearing date by the court to the county mental health director or a designee and to the Director of Mental Health.

This bill would add the requirement that the court also notify the prosecuting attorney of the hearing date on the application for release. The bill would also provide that if the application for the release is not made by the medical director of the treatment facility to which the person is committed, no action on the application shall be taken by the court without first obtaining the written recommendation of the medical director of the treatment facility.

(2) Existing law provides for the parole on outpatient status of a person committed to a state hospital or other treatment facility who was found guilty but insane at the time of the commission of a criminal offense.

This bill would provide that in a county having no such outpatient treatment program, upon the filing of a request for revocation of parole status and pending the court's decision on revocation, the person subject to revocation may be confined in a state hospital or other treatment facility by the parole supervisor when it is his or her opinion that the person is now a danger to himself or herself or to another and that delay in

hospitalization poses an imminent risk of danger to the person or to another. The court, prosecutor, and defense counsel would be notified of the admission to inpatient status and the detention would be subject to judicial review

Ch. 931 (SB 1287) Davis. Appeals.

Existing law describes with particularity the types of judgments of superior courts which may not be appealed

This bill in addition would provide that an appeal may not be taken from a judgment granting or denying a petition for issuance of a writ of mandamus or prohibition directed to a municipal court or a justice court, as specified, but would specify that an appellate court may review a judgment granting or denying a petition for issuance of a writ of mandamus or prohibition upon petition for an extraordinary writ.

Ch. 932 (SB 1674) Watson. Drugs. methadone maintenance program.

Under existing law, methadone maintenance treatment programs, with certain exceptions, are required to be approved and monitored by the State Department of Alcohol and Drug Programs.

This bill would require these methadone maintenance programs to be licensed by the department. The bill would also provide for fees and enforcement proceedings. The bill would in addition prohibit a county from charging a fee for monitoring its contract providers for compliance.

This bill would also make various nonsubstantive corrections.

Ch. 933 (SB 1634) Watson. Public social services fair hearings

Existing law provides that every applicant for or recipient of public social services has a right to a fair hearing in order to appeal an action of a county concerning eligibility or the amount of services due the applicant or recipient.

Existing regulations provide that the county shall give a copy of the county's position statement on the issues in the hearing to the applicant or recipient at the time of the hearing.

This bill would require a copy of the position statement to be made available to the applicant or recipient not less than 2 working days prior to the hearing if regulations require the county to write a position statement or if the county chooses to develop such a statement. This requirement would only apply if the county has received a 10-day prior notice of the date and time of the scheduled hearing

The bill provides that failure of a county to provide the position statement not less than 2 working days prior to the hearing or a county decision to modify the position statement shall result in postponement of the hearing upon the request of the applicant or recipient, and that the postponement shall be deemed a postponement for good cause for the purposes of determining the eligibility of an applicant or recipient to any applicable benefits pending disposition of the hearing

Ch. 934 (SB 1471) Stiern Schools. Taft City School District

Existing law provides, under the State School Building Lease-Purchase Law, for the reconstruction, remodeling, or replacement of existing school buildings which are inadequate or which do not meet present-day structural safety requirements The State Allocation Board is empowered to construct and control any project authorized by the board

This bill would reappropriate an amount not to exceed $1,800,000 from the State School Building Lease-Purchase Fund to the board The bill would authorize the board to apportion to the Taft City School District the cost of rehabilitation or replacement of Jefferson School, whichever is less

This bill would, prior to receiving any apportionment from the board, require the district to sell any surplus property that will result from the rehabilitation of existing buildings or the construction of new buildings, and would require the proceeds of the sale to be deducted from any apportionment made to the district by the board.

This bill would take effect immediately as an urgency statute

Ch 935 (SB 133) Presley Stolen property. attempt: punishment.

Under existing law, specified acts relative to receiving stolen property not exceeding a specified monetary value may be charged as a misdemeanor rather than a felony

This bill would increase that value, as specified. The bill would specify that this change and similar changes in other specified bills would apply only to offenses committed on or after January 1, 1983.

Under existing law, an attempt to commit specified acts relative to receiving stolen property is punishable by one-half the term that applies to commission of the offense itself.

This bill would make the punishment for an attempt of such crime which is not charged as a misdemeanor the same as the punishment applicable to the committed offense.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 936 (SB 716) O'Keefe. Harmful matter.

Existing law regulates harmful matter, as defined.

This bill would specify that "matter," for that purpose, includes any computer program

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 937 (AB 2347) Hughes Community colleges. finance. timber yield tax: offset against amounts owed by state to persons or entities.

(1) Existing law prescribes a method of determining state apportionments to community college districts in the 1981–82 and 1982–83 fiscal years, including the computation of the base fiscal year revenues of the district

Existing law also provides for the special assessment of timberland for purposes of property taxation by imposing a specified yield tax. No provision is made for the calculation of annual yield tax revenues in determining the base revenues of, and apportionments to, community college districts.

This bill would include timber yield tax revenues in determining both the base 1981–82 fiscal year revenues of community college districts and state apportionments to the districts.

This bill would state the legislative intent to make changes in state apportionments to community college districts in the 1981–82 fiscal year and would require the Chancellor of the California Community Colleges to adjust allowances and disbursements for that fiscal year.

This bill would repeal these provisions on June 30, 1983.

(2) Existing law authorizes the Controller, in his or her discretion, to offset any amount due a state agency from a person or entity, against any amount owing the person or entity by any state agency An amount owing to a person or entity by any state agency includes, among other things, any tax refund.

This bill would define an amount due a state agency from a person or entity to include any amount due a community college district from a person for repayment of student financial assistance. The bill would authorize the Chancellor's office of the California Community Colleges to contract with community college districts for the performance of administrative services relating to the repayment of student financial assistance.

Ch. 938 (AB 3321) Berman. State employees

Existing law provides that the State Personnel Board shall create and adjust classes of positions for state employees in the state civil service.

Existing law also grants state employees certain rights relating to membership in

employee organizations and employer-employee relations Managerial employees are excluded therefrom.

This bill would provide that the Department of Personnel Administration shall designate managerial positions for these purposes and shall report such designations to the State Personnel Board annually. In addition, the bill would provide that any disputes as to the managerial classification or position designations may be appealed to the State Personnel Board.

Existing law provides for a system of performance ratings for employees of state civil service, as specified.

This bill would make certain legislative findings and declarations and would provide for a system of performance appraisals for managerial employees to be mutually developed and utilized by managerial employees and their appointing powers, as specified.

This bill also would provide for the denial of merit salary funds on a graduated basis to managerial employees beginning 5 years after enactment of this bill for agencies that fail to establish a system of performance appraisals for managers, as specified.

This bill would make the provisions relating to performance appraisals for managerial employees operative on July 1, 1983.

Ch. 939 (SB 1633) Sieroty. Private railroad car tax.

Under the existing Private Railroad Car Tax Law, a state ad valorum tax is imposed on private railroad cars operated on railroads in this state.

This bill for purposes of that law would change the lien date and make other technical changes in the method of computing that tax.

The provisions of this bill would become operative on January 1, 1984.

Ch. 940 (SB 1773) Robbins. Disability insurance reserves.

Chapter 767 of the Statutes of 1981 which became effective January 1, 1982, revised various provisions of the Insurance Code with respect to disability insurance reserves.

This bill would, in order to clarify legislative intent and to prevent a misinterpretation of specified operative dates contained in Chapter 767, make certain technical and conforming changes in those provisions of law.

The bill would also take effect immediately as an urgency statute.

Ch. 941 (AB 3142) Imbrecht. Vessel liens.

(1) Under existing law, every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair, or safekeeping of, and for costs incurred in the mooring, berthage, wharfage, and anchorage of, and for the rental of trailer parking space for, any vessel subject to registration with the Department of Motor Vehicles, subject to specified limitations and enforceable as prescribed.

This bill would delete the foregoing provisions, and would enact new possessory vessel lien procedures, under which every person has a lien dependent upon possession for the compensation to which he is legally entitled for services or storage, as defined, rendered to a vessel. The bill would authorize the conduct of lien sales in accordance with prescribed procedures and subject to specified limitations, and would prescribe related matters and make corresponding changes

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 942 (AB 2152) Elder. Special elections.

(1) Under existing law a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 84 days, but not more than 91 days, following the issuance of an election proclamation by the Governor.

This bill would require these special elections to be conducted at least 112 days, but

not more than 119 days, following the Governor's election proclamation

(2) A special primary election must, under existing law, be held on the 4th Tuesday preceding the day of the special general election.

This bill would require the special primary election to be held on the 8th Tuesday or, if the 8th Tuesday is the day of a state holiday, the 9th Tuesday preceding the day of the special general election

(3) Existing law provides that no declaration of candidacy for partisan office shall be filed by a candidate unless, among other things, the candidate has not been registered as affiliated with a political party, other than the party the nomination of which the candidate seeks, within 12 months prior to the filing of the declaration

This bill would, with respect to legislative and congressional special elections, revise the above to require a 3-month, rather than 12-month, disaffiliation requirement

Ch. 943 (AB 2540) Torres. Peace officers citizenship requirement

Existing law requires public officers or employees declared by law to be peace officers to be citizens of the United States.

This bill would permit a permanent resident alien who is eligible for and has applied for citizenship, to be a peace officer

The bill would also provide, under specified circumstances, that any person employed as a peace officer on the effective date of this act, or who has applied for such a position on or before the effective date of this act shall not be required to be a citizen of the United States, but shall apply for and meet all the requirements for citizenship as soon as possible

This bill would take effect immediately as an urgency statute.

Ch 944 (AB 2641) Cortese Public safety officers peace officers

Existing law provides for the Public Safety Officers Procedural Bill of Rights and defines a public safety officer as including sheriffs, policemen, marshals, constables, district attorney investigators, and all state employees who are peace officers

This bill would include in the definition of public safety officers, for the purposes of the bill of rights, specified local government agency employees who are peace officers.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 945 (AB 3764) Kapiloff. School and community college districts police departments.

Existing law permits the governing board of any school district to establish a security department and employ, as specified, such personnel as may be necessary to ensure the security of school district personnel and pupils and the security of district property, and to cooperate with the local law enforcement agencies in matters involving those concerns. Persons employed and compensated as members of a school district security department, when appointed and duly sworn, are peace officers, as defined, but only for the purpose of carrying out the duties of their employment

This bill would permit the governing board of any school district to establish a security department or school district police department under the supervision of a school district chief of security, chief of police, or other official designated by the superintendent of the school district, and employ, as specified, personnel as may be necessary to ensure the safety of school district personnel and pupils, and the security of school district property. Persons employed and compensated as members of a school district

police department, when appointed and duly sworn, would be peace officers, as defined, only for the purpose of carrying out the duties of their employment

Existing law permits the governing board of a community college district to establish a community college police department and employ, as specified, such personnel as may be necessary for its needs Persons so employed, when so appointed and duly sworn, are peace officers, as defined, but only for the purpose of carrying out the duties of their employment, and only upon the community college campus and in or about other specified grounds or properties.

This bill would provide that such community college police departments be supervised by a community college chief of police It would permit the governing board to employ, as specified, such personnel as may be necessary to enforce the law on or near the campus of the community college and on or near other specified grounds or properties. Each campus of a multicampus community college district would be authorized to designate a chief of police. Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, would be peace officers, as defined.

Ch. 946 (SB 1065) Johnson. Peace officers: records disclosure.

Existing law requires every agency or department which employs peace officers to establish procedures for investigating complaints against peace officers. Existing law establishes procedures for the discovery or disclosure of peace officer personnel records or records of complaints against peace officers, which generally require a hearing to determine whether there is good cause for discovery

This bill would provide that where the court so permits the disclosure or discovery of peace officer records, it shall order that those records may not be used for any purpose other than a court proceeding pursuant to applicable law.

Ch. 947 (AB 3128) Floyd. Vehicles: pursuits by peace officers.

(1) Under existing law, it is a misdemeanor for a person to willfully disregard a siren and light, with the intent to evade a peace officer, if the person hears a siren and sees at least one lighted red light on a distinctively marked vehicle which is operated by a member of the California Highway Patrol, the California State Police, or by a sheriff's department or police department peace officer wearing a distinctive uniform.

This bill would, instead, make it a misdemeanor for a person driving a vehicle to, with the intent to evade, willfully flee or attempt to elude a motor vehicle driven by any peace officer, as defined, when the peace officer's motor vehicle is distinctively marked, exhibits a lighted red lamp visible from the front which the person sees or reasonably should have seen, and sounds a siren as may be reasonably necessary, and the vehicle is operated by a peace officer wearing a distinctive uniform The bill would also make a person violating this prohibition, and proximately causing death or bodily injury to any person, guilty of a felony, or of a misdemeanor with specified punishment or fine, or both.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 948 (AB 3216) Cramer Tear gas

Existing law provides criminal penalties for unauthorized use of tear gas or tear gas weapons by a person having a valid identification card issued upon completion of a course of training

This bill would prohibit unauthorized use of tear gas or tear gas weapons irrespective of whether the user has an identification card, and would increase the penalties where the unauthorized use is against a peace officer, as specified.

This bill would make additional changes in Section 12403.7 of the Penal Code proposed by AB 2419, to be operative only if AB 2419 and this bill are both chaptered, and this bill is chaptered after AB 2419.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 949 (SB 1342) Boatwright Crimes: metal or armor-penetrating ammunition

Existing law does not regulate ammunition designed primarily to penetrate metal or armor.

This bill would prohibit specified conduct, as to such ammunition and would authorize the imposition of increased penalties upon persons possessing such ammunition while armed with a firearm in the commission or attempted commission of a felony.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch 950 (AB 2392) Bane Ammunition metal or armor penetrating.

Existing law does not regulate ammunition designed primarily to penetrate metal or armor

This bill would prohibit specified conduct, as to such ammunition and would authorize the imposition of increased penalties upon persons possessing such ammunition while armed with a firearm in the commission or attempted commission of a felony.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The bill would take effect immediately as an urgency statute.

Ch. 951 (AB 2871) Moore. Sales and use taxes. master tapes or records.

Existing law exempts from sales and use taxes the gross receipts from the sale or lease of, and the storage, use, or other consumption of, master tapes or master records embodying sound, as defined, other than amounts subject to sales taxes paid by a customer in connection with the customer's production of master tapes or master records to a recording studio, as defined, for the tangible elements of those master records or master tapes.

This bill would specify that for the purposes of that law amounts paid for the furnishing of the tangible elements also shall not include services rendered in producing, fabricating, processing, or imprinting tangible personal property or any other services or production expenses in connection therewith. It would also make legislative findings and declarations that those provisions are declaratory of existing law

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

Ch. 952 (SB 1784) Petris. Criminal procedure

Existing law requires that a continuance in a criminal proceeding shall be granted only upon a showing of good cause.

This bill would provide that when deciding whether or not good cause for a continu-

ance exists, the court shall consider prior commitments of peace officer witnesses in the same manner as it would consider prior commitments of lay witnesses

Ch. 953 (AB 2482) Young Counties. contracts to provide law enforcement

Existing law authorizes counties to enter into contracts with other governmental entities to render law enforcement services to such entities. There is no express authority for a county to contract with private individuals or entities to provide supplemental law enforcement services

This bill would authorize, with certain exceptions, a county board of supervisors to contract on behalf of the sheriff of that county to provide private individuals or private entities supplemental law enforcement services to preserve the peace at special events or occurrences that happen on an occasional basis, and would require such contracts to provide for full reimbursement to the county of the actual costs of providing such services, as determined by the county auditor or auditor-controller

Ch 954 (AB 2637) Papan Peace officers

Existing law provides for exemptions, from laws pertaining to the sale of concealable weapons, for specified categories of peace officers.

This bill would provide that the exemption would also apply to other designated categories of peace officers, but would additionally require as a condition of the exemption for any peace officer that he or she be authorized by his or her employer to carry firearms while in the performance of his or her duties

Existing law permits the emergency vehicles operated by the California Highway Patrol and California State Police Division to display a steady or flashing blue warning light in a specified manner.

This bill would permit additional peace officers to use these lights on emergency vehicles.

Ch. 955 (AB 3416) Farr. Disaster relief: appropriation.

Existing law contains various provisions for disaster relief.

This bill would declare the Legislature's intent to provide, pursuant to the federal Individual and Family Grant Program, immediate financial relief to persons within specified counties who suffered extensive damage to real and personal property caused by (1) torrential storms commencing on or about December 19, 1981, and continuing to January 8, 1982, and (2) strong winds and raging fires on April 21, 1982. It would appropriate $550,271, and would transfer federal funds, as specified, for administrative purposes.

This bill would take effect immediately as an urgency statute.

This bill would remain in effect only until January 1, 1984

Ch 956 (SB 1975) Montoya. Cosmetology. cosmetologists, manicurists, cosmeticians, and electrologists.

Under existing law, an applicant for a certificate of registration and license as a cosmetologist or as a manicurist, may qualify for the examination for that certificate with respect to experience, by providing evidence that he or she has received a certain number of hours of training or has served or practiced in that capacity for a specified period of time. Training of at least 1,600 hours in an approved school of cosmetology or practice of the occupation of a cosmetologist for a period of 4 years outside of this state would satisfy this examination requirement for the cosmetologist certificate. Practical training of at least 350 hours in a licensed school in which the practice of manicuring is taught or practice in manicuring for a period of one year outside of this state would satisfy this examination requirement for the manicurist certificate.

This bill would require that at least 400 hours of the 1,600 hours of cosmetological training shall have been received within the 5 years immediately preceding application and that one year of the requisite period of practice as a cosmetologist outside this state shall have been within the 3 years immediately preceding application. The bill would also require that at least 80 hours of the 350 hours of training in the practice of manicuring shall have been received within the 5 years immediately preceding application and that the practice of manicuring for a period of one year outside this state shall have been within the 5 years immediately preceding application.

Under existing law, an applicant for a license as a cosmetician may qualify for the examination for that license, with respect to experience, by providing evidence that he or she has received a minimum of 600 hours of training at an approved school which teaches cosmetology, or by providing evidence that he or she has practiced the occupation of a cosmetician full time for at least one year or its equivalent.

This bill would provide instead with respect to these methods of demonstrating experience in order to qualify for licensure as a cosmetician, that the applicant shall provide evidence that at least 160 hours of the 600 hours of training at an approved school which teaches cosmetology shall have been received within the 5 years immediately preceding application, and may provide evidence of practice of the occupation of a cosmetician full time for at least one year outside of this state, within the 5 years immediately preceding application.

Existing law provides that a cosmetological establishment is required to have a direct entrance which is separate and distinct from any entrance in connection with private quarters

This bill would extend this requirement to a school of cosmetology.

This bill would also require a school of cosmetology or electrology to submit plans for a proposed expansion or increase in the facilities of the school to the State Board of Cosmetology for approval.

This bill would also repeal an obsolete provision relating to a cosmetician registration fee.

This bill would also revise provisions relating to (1) the qualifications for licensure as a junior operator or an electrologist; (2) the definition of manicurist; (3) the permissible practice of a cosmetician; (4) bond requirements for schools of cosmetology and electrology; (5) the definition of a school of cosmetology, and (6) the grounds for disciplinary action; and would add a provision relating to the permissible practice of a student for a license as an electrologist.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 957 (SB 1586) Foran. Vehicles: theft and insurance fraud reporting.

(1) Existing law, generally, prohibits insurance fraud, and the Insurance Commissioner and the Bureau of Fraudulent Claims in the Department of Insurance are given various duties and responsibilities relative to fraudulent insurance claims

This bill would enact the Motor Vehicle Theft and Motor Vehicle Insurance Fraud Reporting Act, which would require an insurer, as defined, upon written request of an authorized governmental agency, as defined, to release relevant information which the authorized governmental agency deems important, relating to any motor vehicle theft or motor vehicle insurance fraud. In addition, an insurer, under specified conditions, would be required to provide certain information to specified local law enforcement agencies, the Department of the California Highway Patrol, or district attorneys' offices and would be authorized to notify any other authorized governmental agency. The information would not be a public record and would not be subject to public inspection, and would be privileged, although it would be subject to disclosure pursuant to a subpoena or subpoena duces tecum, based upon a determination by the court, as specified. The bill would also require an authorized governmental agency to notify an insurer in writing when it has reason to believe that a fraudulent act relating to a motor vehicle theft or motor vehicle insurance claim has been committed, as specified. The agency would be authorized to require a fee from the insurer equal to the cost of providing the notice or the information specified. The bill would provide that no insurer or authorized governmental agency shall be subject to civil liabilities for releasing or receiving the information.

The bill would make other technical, nonsubstantive changes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 958 (SB 1585) Foran Reports of stolen vehicles.

(1) Under existing law, a person convicted of making or filing a false or fraudulent report of the theft of a vehicle required to be registered in this state with any law enforcement agency with intent to deceive is punishable by imprisonment in the county jail for not to exceed 6 months, or by fine not to exceed $500, or by both.

This bill would make a subsequent conviction punishable by imprisonment in the state prison for 16 months, or two or three years, or in a county jail for not to exceed one year.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 959 (SB 1546) Montoya. Educational observances. The Day of the Teacher.

(1) Existing law provided for observance of specified days in the public schools and educational institutions

This bill would designate the Tuesday in the week designated by the Legislature or by the Governor as Public Schools Week, or the third Tuesday in April in the event that a Public Schools Week is not designated, as the Day of the Teacher, and require the public schools and educational institutions to observe that day with suitable exercises. This bill would require that the exercises be integrated into the regular school program and be conducted by the school or institution within the amount otherwise budgeted for educational programs.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required.

Ch. 960 (SB 1521) Presley. Medi-Cal investigations.

Existing law provides for the Medi-Cal program under which health care services are provided to low-income and indigent recipients. Under that program, provision is made for issuing fictitious Medi-Cal identification cards for purposes of investigating Medi-Cal fraud. The provision allowing issuance of these cards would be repealed on January 1, 1983.

This bill would postpone the date of repeal to January 1, 1987.

Ch 961 (AB 3229) Moore. County Employees Retirement Law of 1937: administration.

Existing law delays the operation of amendments or repeals made by county boards of supervisors and district governing boards in ordinances or resolutions providing for employer contributions from nonretirement funds and certain excess retirement fund earnings toward certain insurance and health service premiums for retired members and their beneficiaries, for 90 days after notice of the changes.

This bill would require that, in counties with a population of 5,000,000 or more, such

ordinances and resolutions remain in effect for any member heretofore or hereafter retired for so long as similar types of benefits are provided to active members

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 962 (AB 3160) Papan Public Employees' Retirement Elections.

Existing law provides for the conduct of elections for membership on the Board of Administration of the Public Employees' Retirement System

This bill would authorize the board to require all persons performing election duties to certify, under penalty of perjury, that they properly performed those duties.

Ch. 963 (SB 2046) Marks. Financial transactions.

Existing provisions of the Check Sellers and Cashers Law provide for the licensing and regulation of check sellers, check cashers, proraters, and certain business agents. Certain nonprofit community service organizations are exempted from these licensure requirements if their principal functions are consumer credit education, counseling on consumer credit problems and family budgets, and arranging or administering debt settlement plans for which a charge for administrative services only may be made of 6.5% of the money disbursed monthly or $12 per month, whichever is the lesser, as specified

This bill would incorporate additional changes in Section 12100 of the Financial Code, proposed by AB 2591, to be operative only if AB 2591 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

This bill would permit such exempt organizations to charge 6.5% of the money disbursed monthly or $20, whichever is less.

Ch. 964 (AB 2989) Johnston Criminal sentencing

Existing law permits a court in criminal sentencing to sentence a felony defendant to state prison or, with specified limitations, to grant probation, which may include a county jail sentence The court may also, if it concludes a just disposition of the case so requires, order the defendant to be placed temporarily in a diagnostic facility for observation and treatment and the treatment period may be extended.

This bill would require the court in sentencing a person convicted of a felony who would otherwise be sentenced to state prison to consider whether the defendant was a member of the military forces of the United States who served in combat in Vietnam and who suffers from substance abuse or psychological problems resulting from that service. If the court concludes that the defendant is such a person, it could order the defendant committed to the custody of federal correctional officials for incarceration for a term equivalent to that which he would have served in state prison. This commitment would be authorized only if the defendant agrees to such commitment, the court has determined that appropriate federal programs exist, and federal law authorizes the receipt of the defendant under such conditions.

This bill would authorize the Department of Corrections to enter into cooperative arrangements with specified agencies and organizations to provide counseling and treatment for these defendants

Ch. 965 (AB 2946) Moorhead. Trespass: television broadcasting facilities.

Existing law makes it a misdemeanor to unlawfully enter or remain upon, or loiter in the immediate vicinity of, any property posted against trespassing and loitering without

the written permission of the owner, it is also a misdemeanor to tear down, deface, or destroy any sign posted against trespassing or loitering. Certain labor activity is exempted from the above provision prohibiting loitering on posted property.

This bill would expand the classes of property which may be so posted against trespassing and loitering by including therein any plant, structure, or facility used for or in connection with television broadcasting.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 966 (AB 3648) Harris Legal assistance.

Under existing law, in any case in which a defendant is provided legal assistance, either through the public defender or private counsel appointed by the court, the court may make a determination of the present ability of the defendant to pay all or a portion of the cost for legal assistance, as specified.

This bill would recast existing law, and, in counties in which the board of supervisors adopts a specified resolution, require a determination of the present ability of certain defendants to pay. It would also delineate a procedure for the entry of an order for payment for these services.

It also would make additional changes relating to the enforcement of those orders contingent upon the enactment of AB 707.

Ch. 967 (AB 3558) Bane. Insurance.

Existing law authorizes excess fund investments by a life insurer in real estate and leases thereof and in the making of improvements thereon for business or residential purposes as an investment for the production of income. Such investments may be made only by life insurers having admitted assets of not less than $25,000,000

This bill would instead provide that these excess fund investments may be made by any admitted insurer having admitted assets of not less than $25,000,000, but that admitted insurers, other than life, title, mortgage and mortgage guaranty insurers, having admitted assets aggregating in value less than $25,000,000 but not less than $10,000,000, may also qualify to make such investments for a period of 12 months with the prior approval of the Insurance Commissioner.

Existing law authorizes discretionary investments by any domestic incorporated insurer, after investment of an amount equal to its required minimum paid-in capital in specified securities.

This bill would instead provide that these authorized additional investments shall be applicable to any admitted insurer rather than any domestic incorporated insurer.

Ch. 968 (AB 3531) McAlister. Real property: credit transactions

Existing law does not require the disclosure of information regarding a credit transaction involving real property to purchasers or vendors by a person other than a party to the credit transaction who, for compensation, participates in the completion of such transaction or by a vendor and a purchaser in a transaction in which such a person participates.

This bill would require the disclosure of specified information by such parties with respect to purchase money liens on dwellings for not more than 4 families, with certain exceptions. The bill would become operative on July 1, 1983.

Ch. 969 (SB 2043) Montoya. Boxing: written report.

Existing law requires a licensed manager of a professional boxer, every 3 months to furnish a written report to the State Athletic Commission showing specified expenses.

This bill would instead require the manager to maintain an accurate record of such expenses on an annual basis The bill would require the record to be kept in the manager's possession for a period of 5 years and to be available, upon request, to both the boxer and the commission

Ch. 970 (SB 2064) Johnson. Schools· physical education.

Existing law authorizes the governing board of a school district to grant permanent exemption from courses in physical education if a pupil, among other things, has completed the 10th grade

This bill would delete the exemption for a pupil who has completed the 10th grade and would, instead, authorize the governing board of a school district, with the consent of a pupil, to grant the pupil exemption from courses in physical education for 2 years anytime during grades 10 to 12, inclusive.

This bill would incorporate changes in Section 51241 of the Education Code, proposed by AB 2389, but only if AB 2389 and this bill are both chaptered and this bill is chaptered last

Ch. 971 (AB 3262) L Stirling. County Employees Retirement Law· service credit

Existing County Employees Retirement Law of 1937 generally provides for the receipt of service credit only for time in actual employment

This bill would make members eligible to receive up to 2 years of additional credited service if the board of supervisors, by resolution, determines that because of an impending curtailment of service or change in the manner of performing service, savings of money, or other economic benefit to the county, the best interests of the county would be served and various other conditions are met, including that the member be employed in a job classification, department, or other organizational unit specified in the board's resolution, that the member retires on or between dates specified by the board, and specified amounts are paid by the county to the retirement fund The provision would not be applicable in any county until adopted by the board of supervisors and a member who reentered county employment would forfeit any service credit he acquired because of such provisions This bill would provide that the matter would not be subject to employer-employee provisions

This bill would take effect immediately as an urgency statute.

Ch. 972 (SB 1514) Robbins. Insurance. title insurance

Existing law exempts from the licensing requirements relating to insurance production agencies persons acting in various capacities relating to those agencies, including employees, not paid on a commission basis, of a title insurer.

This bill would instead exempt full-time salaried employees of a title insurer, controlled escrow company or an underwritten title company.

Existing law prohibits title insurers, controlled escrow companies, and underwritten title companies from paying any commission for the solicitation or negotiation of title policies, indorsements, guarantees or any other forms of title services.

This bill would prohibit the payment of any commission for the solicitation or negotiation of any services constituting the business of title insurance but specifically would permit payment of commissions, incentive compensation or bonuses, based on production of any services constituting the business of title insurance, to full-time salaried employees of those entities. This bill would prohibit the employees of title insurers, underwritten title companies, and controlled escrow companies from paying or offering to pay, directly or indirectly any of their compensation to specified persons as an inducement for or as compensation for any title insurance business or any escrow or other title business and would provide that any payment or offer to pay that consideration is an unlawful rebate

Ch 973 (AB 3361) Floyd Commission on Peace Officer Standards and Training.

Existing law authorizes the Commission on Peace Officer Standards and Training to establish and maintain mimimum standards relating to peace officer members of districts, as defined

This bill would broaden the definition of "districts" to include school districts

The bill would also appropriate $3,000,000 from the Peace Officers' Training Fund to the Commission on Peace Officer Standards and Training, Program 40, for allocation to cities, counties, and districts, as specified.

Ch 974 (AB 3270) La Follette Vehicles. parking registration: disabled persons.

(1) Existing law prohibits a person from driving, moving, or leaving standing any unregistered vehicle, as specified, upon a highway.

This bill would also prohibit a person from driving, moving, or leaving standing an

unregistered vehicle, as specified, in an offstreet public parking facility, as defined. The bill would exempt from both of those prohibitions an off-highway vehicle which displays an identification plate or device issued for the vehicle by the Department of Motor Vehicles.

(2) Existing law authorizes the department to issue to disabled persons and disabled veterans distinguishing license plates and placards to enable those persons and veterans, with a specified exception, to park without time limitation and without paying a parking meter.

The bill would grant similar parking privileges to those persons and veterans who are issued such plates and placards by a foreign jurisdiction.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would also make additional changes in Section 22511.5 of the Vehicle Code, proposed by AB 3053, to become operative only if this bill and AB 3053 are both chaptered and become effective on January 1, 1983, and this bill is chaptered after AB 3053.

Ch. 975 (AB 3053) Felando. Vehicles: parking. disabled persons.

(1) Existing law authorizes the Department of Motor Vehicles, the Traffic Adjudication Board, and specified law enforcement officers to take possession of any certificate, card, permit, license, or license plate issued under the Vehicle Code upon expiration, revocation, cancellation, or suspension thereof or which is fictitious or which has been unlawfully or erroneously issued.

This bill would additionally make that provision applicable to placards.

(2) Under existing law, the department is authorized to issue a distinguishing placard to qualified disabled persons, including disabled veterans, which permits a disabled person to park in stalls and spaces designated for the exclusive use of physically handicapped persons.

This bill would make it a misdemeanor to lend or knowingly permit the use of a disabled person placard if the person borrowing it or permitted to use it is not entitled to its use.

The bill would also make it a misdemeanor for any person, with intent to prejudice, damage, or defraud, to forge, counterfeit, or falsify a disabled person placard, to pass, or attempt to pass as true and genuine, a false, forged, or counterfeit disabled person placard, to acquire, possess, sell, or offer for sale a genuine or counterfeit disabled person placard, or to display or cause or permit to be displayed any forged, counterfeit, or false disabled person placard. The bill would specify the penalty for violations of these provisions.

(3) Under existing law, it is unlawful for any person to park or leave standing any vehicle in a stall or space designated for physically handicapped persons, if the stall or space is posted or marked in a prescribed way, unless the vehicle displays distinguishing license plates or placards issued for disabled persons, including disabled veterans. Stalls or spaces in an offstreet parking facility owned or operated by a local authority may be designated by the local authority by ordinance or resolution, and by any person in lawful possession of a privately owned and maintained offstreet parking facility.

This bill would make clarifying changes in related provisions and would state the legislative intent to encourage the use of those distinguishing placards.

(4) Under existing law, the owner or operator of an offstreet parking facility, after notifying the police or sheriff's department, may cause the removal of a vehicle parked unlawfully in a space or stall, which is for the exclusive use of handicapped persons and designated by a prescribed sign, if a sign stating that vehicles will be towed is posted immediately adjacent to the space or stall or at each entrance of the offstreet parking facility.

This bill would also permit that removal when the space or stall is designated by specified markings on the ground.

(5) Under existing law, a person who is convicted for the first time of parking unlawfully in a space or stall designated for the exclusive use of handicapped persons is required to be punished by a fine of not less than $25

The bill would increase the minimum fine to $50 for a conviction of these provisions.

(6) Under existing law, certain peace officers are authorized, under specified conditions, to remove vehicles which have been parked illegally

This bill would also authorize any peace officer, as defined, or other specified employee of a city or county to remove any vehicle from a stall or space designated for physically handicapped persons if the vehicle is parked in violation of those parking provisions

(7) The bill would also make additional changes in Section 22511 5 of the Vehicle Code, proposed by AB 3270, to become operative only if this bill and AB 3270 are both chaptered and become effective on January 1, 1983, and this bill is chaptered after AB 3270.

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 976 (AB 1111) Filante. Transportation services· transit districts.

(1) Under the Mills-Alquist-Deddeh Act, a city or a county authorized to be allocated funds for street and road purposes may be allocated funds to contract with specified entities for public transportation or for transportation services for any group requiring special transportation assistance ~~until July 1, 1983~~*, limited to 50% of the total proposed expenditures for that purpose except if the city or county meets specified ratios of fare revenues to operating cost, [or other specified criteria adopted by the transportation planning agency or county transportation commission,]* and for those purposes, the city or county is deemed to be an operator

This bill would ~~delete the July 1, 1983, repeal date and would~~* authorize a transit district to be allocated funds for those purposes, subject to the same ~~fare revenue ratio~~* requirements as are counties and cities

~~The bill would authorize counties and cities to receive payments for their administrative and planning costs with respect to transportation services under those contracts.~~*

~~The bill would also provide for an exception from the 50% limitation for those contracted for services if the city, county, or transit district is, alternatively, in compliance with regional, countywide, or county subarea performance criteria, local match requirements, or fare recovery ratios adopted by the transportation planning agency or the county transportation commission, as specified.~~*

[(2) Under the act, until July 1, 1984, a city or county authorized to be allocated funds for street and road purposes may be allocated funds for those purposes in an amount which exceeds 50% of its proposed expenditures for those purposes]*

[This bill would delete the July 1, 1984, repeal date]*

Ch 977 (AB 2695) Moore Adoption assistance

Existing law provides that the agency to which a child has been relinquished for purposes of adoption has various duties concerning care, custody and control of the child until an adoption award has been granted

The bill provides for circumstances under which, for children eligible for aid under the Adoption Assistance Program, interlocutory decrees of adoption may be granted for a period not to exceed 12 months with the court having power to extend the decree for a period not to exceed 6 months. The bill provides that a petition for an interlocutory decree may be jointly filed by the petitioner for adoption, and the State Department of Social Services or licensed adoption agency, and that either party is authorized to file for rescission of the petition

Existing law provides for aid foi adoption of children, by providing assistance to adoptive families

This bill would rename this program the Adoption Assistance Program and would

extend the program to cover children in public care institutions under certain conditions

The bill contains various provisions relating to the Adoption Assistance Program It would require the State Department of Social Services or the responsible licensed adoption agency to determine the eligibility of a child for the program

The bill contains provisions for determining the county of responsibility for making payments to adoptive families under the Adoption Assistance Program.

The bill requires, as a prerequisite to an adoptive family receiving assistance under the program, that the family enter into an agreement with the responsible agency, outlining conditions which must be met in order to receive assistance, and the extent to which assistance shall be given.

The bill also provides, except under specified circumstances, that a child receiving assistance under the Adoption Assistance Program shall be limited to assistance for a period of 5 years if federal funds, as specified, are not available for the program.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties are responsible for providing cash assistance necessary for the adequate care of needy children in foster care Under existing law counties are reimbursed for part of the cost of providing assistance to foster children.

This bill would establish new methods for determining rates payable by counties and reimbursement rates to counties for children in foster care, including a provision establishing a category of specialized care rates to be utilized under specified circumstances.

The bill provides for hearings at 6-month intervals as a condition of eligibility for specified AFDC-FC recipients to determine, among other things, the appropriateness of the child's placement, the adoptability of the child, and if adoptable, the progress toward adoption

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

The bill would appropriate $267,500 from the General Fund and $129,000 from the Federal Trust Fund to the State Department of Social Services in augmentation of specified items of the Budget Act of 1982 for county welfare department administration, new positions and costs incurred by the State Department of Social Services, and other costs of the Adoption Assistance Program. It would revert $12,000 from a specified item of the Budget Act of 1982 to the unappropriated surplus of the General Fund

This bill would incorporate the changes in Section 11400 of the Welfare and Institutions Code made by AB 3040 and AB 3424, if this bill is enacted after those bills

This bill would take effect immediately as an urgency statute. but most provisions would become operative on October 1, 1982

Ch 978 (SB 14) Presley Public social services.

Existing law contains provisions regarding dependency, parental rights, custody and control, foster care, and adoption of children.

This bill would make modifications in these provisions

The bill provides for various changes in procedures relating to juvenile court proceedings, such as actions for the termination of parental rights, for removal from the physical custody of the parents, and for adoption.

Existing law provides for various social services which shall be offered in order to further the welfare of children

The bill modifies and expands the social services programs which shall be offered for the welfare of children

The bill provides for specified county shares of the cost of administering social services programs for children and adults

The bill would appropriate specified funds to counties received pursuant to federal law for child welfare services

The bill would also permit the county welfare departments a 3-month phased-in implementation of the provisions of the bill

The bill would provide that regulations adopted by the State Department of Social Services within 90 days of enactment of this bill in order to implement the bill's provisions shall not be subject to approval and review of the Office of Administrative Law

Under existing law, funds are received for children's services pursuant to the federal Social Security Act, with a portion of these funds going directly to counties, and some being used by the state.

This bill would provide that, except for an amount necessary for administrative purposes, all funds received for children's services under specified provisions of the federal Social Security Act shall go directly to counties.

The bill would also provide that its provisions would, to the extent permitted by federal law, be implemented in the most cost-effective manner possible

The bill would provide that in the event that any change in federal funds occurs after July 1, 1982, which results in a reduction of funds available for child welfare services, as defined, the department shall by regulations reduce the mandates upon counties consistent with the funding available, and if funding levels fall below 1981–82 levels, counties shall only be responsible for those child welfare services mandates which were in effect June 30, 1982.

The bill would require the Legislative Analyst to report on the impact of this act by January 1, 1985.

The bill would provide that during the 1982–83 fiscal year, savings resulting from provisions of this act relating to the In-Home Supportive Services program shall be used to fund social services mandates contained in this act.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Appropriaton. yes.

Ch. 979 (SB 1924) Petris Attorney's fees

Existing law provides that the Board of Governors of the State Bar may provide that an attorney, prior to filing an action against a client for recovery of fees, shall forward written notice to the client and to the State Bar. Failure to give such a notice is not a ground for the dismissal of the action.

This bill instead would provide that, except when the action is filed in small claims court, the rules adopted by the board shall require an attorney to forward written notice of such an action to the client and that failure to provide such a notice is a ground for the dismissal of the action.

This bill would also require that the board shall adopt rules which shall provide for a waiver of the client's rights to arbitration if the client fails to request arbitration within 30 days after receipt of written notice from the attorney

Existing law provides that a client may stay a pending action filed by an attorney or his or her assignee, by filing a request for arbitration, as specified. Failure of the client to timely file the request results in the waiver of the client's rights to arbitration.

This bill would provide that waiver will occur only if the client was given notice of the right to arbitration.

Existing law provides that unless a party to the action seeks a timely judicial review an arbitration award shall become final and may be confirmed, corrected, or vacated by petition to the court, as specified

This bill would provide, in addition, that a court confirming, correcting, or vacating an award may award to the prevailing party, as defined, reasonable fees and costs, provided that the prevailing party appeared at the arbitration hearing, as specified.

It also would make related changes.

Ch. 980 (AB 3143) Bates Community college districts trustee areas average daily attendance

(1) Under existing law, the county committee on school district organization, upon petition of the governing board of any school district or community college district, may provide for the establishment, rearrangement, or abolishment of trustee areas in that school or community college district, as specified.

This bill would authorize each community college district with a total population figure of more than 500,000, as determined by the 1980 federal census, and which has community colleges located in more than 1 county to reapportion its trustee areas so that each area is, as nearly as may be, of equal population density, and to specify that trustees may only be elected by the voters of that area. This bill would require that the reapportionment of trustee areas and any modification in election procedures be completed prior to the first trustee election which is conducted subsequent to January 1, 1983

(2) Existing law prescribes a method of apportioning funds to community colleges based on average daily attendance

This bill would revise the computation of average daily attendance to take into account courses which community college districts choose to offer under a flexible calendar. These provisions would be effective July 1, 1983, except that the chancellor would be authorized to make these provisions applicable to individual districts prior to that date, upon request of those districts

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

(5) This bill would take effect immediately as an urgency statute

Ch. 981 (AB 3000) Cramer Child support payments

Existing law provides that counties shall collect child support owing by noncustodial parents to custodial parents who are recipients under the Aid to Families with Dependent Children program, with the funds being used, to the extent necessary, for reimbursement for aid payments Existing law further provides that a percentage of the funds collected by counties shall be returned to the counties in the form of incentive payments, utilizing both state and federal funds Prior to July 1, 1981 the incentive payment rate was 27 75%, with the rate being changed to 15% for the period between July 1, 1981 and September 30, 1981, and modified to a rate of 22.5% for the period commencing October 1, 1981

This bill would provide that for all incentive payments distributed on or after October 1, 1982, regardless of the date upon which the county collected the child support payments, the incentive payments would be any qualifying federal incentive funds plus a state incentive of 7 5%

The bill contains similar provisions for payments made to other states collecting child support on behalf of custodial parents in this state.

Ch 982 (AB 2757) Thurman Pest control

(1) Under existing law, a person who uses pesticides in the business of pest control, advises in the use of pesticides, or who uses restricted materials is required to register with, or to obtain a license or permit from, the county agricultural commissioner. The commissioner may cancel, revoke, or refuse to issue the registration, license, or permit for specified reasons Until January 1, 1983, such a person may appeal to the Director of Food and Agriculture, within a specified time, whenever a commissioner suspends the person's registration or permit, as specified, for 10 days or less.

This bill would remove the January 1, 1983, expiration date for these appeal provisions

(2) Existing law provides, until January 1, 1983, that any pesticide applicator who experiences any loss because of a beekeeper's failure to request notification of pesticide applications from the agricultural commissioner or failure to register the location of his or her apiaries may bring an action for recovery of damages against that beekeeper.

This bill would remove the January 1, 1983, termination date from the above-stated provisions.

Ch. 983 (AB 2748) Wray. Subdivisions: conversion of mobilehome parks

(1) Existing law authorizes the legislative body or an advisory agency which is authorized by local ordinance to approve, conditionally approve, or disapprove a tentative or a parcel map for a subdivision to be created from the conversion of a mobilehome park to another use, to require the subdivider to take steps to mitigate any adverse impact of the conversion on the ability of displaced mobilehome park residents to find adequate space in a mobilehome park

This bill would leave this authority intact, but alternatively would require the legislative body or the advisory agency to take such steps by zoning for additional replacement housing, unless there already exists land zoned for replacement housing or adequate space in other mobilehome parks for those residents who will be displaced, or to make a finding that neither zoning for additional replacement housing or requiring the subdivider to mitigate the adverse impact of the conversion is feasible

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 984 (SB 1981) Petris. Unemployment insurance

Existing law permits employers who are public entities or nonprofit organizations to finance their liability for unemployment compensation benefits, extended duration benefits, and federal-state extended benefits coverage by electing from among specified alternatives to required employer contributions to the Unemployment Fund With the written approval of the Director of Employment Development, any such election takes effect from and after the first day of the calendar quarter in which the election is filed.

This bill would permit these employers which the department has assessed for unpaid employer contributions to finance their coverage by electing among the specified alternatives if the employer meets specified conditions. This election would become effective when the application for election from among the specified alternatives is filed.

The bill would also authorize any entity or organization which has made a bona fide claim that it is a church or religious organization exempt from the unemployment insurance law, to bring suit to challenge an adverse decision by the Unemployment Insurance Appeals Board

Ch. 985 (AB 3333) Elder State employees. managers· designation. demotion

Existing law provides that the State Personnel Board shall create and adjust classes of positions for state employees in the state civil service

Existing law grants state employees certain rights relating to membership in employee organizations and employer-employee relations. Managerial employees are excluded therefrom

This bill would provide that the Department of Personnel Administration shall designate managerial positions for these purposes and shall report those designations to the State Personnel Board annually. It would provide that any disputes as to the management classification or position designations may be appealed to the State Personnel Board.

Existing law specifies a procedure for the dismissal, demotion, suspension, or other discipline of state employees for specified causes Disciplinary action taken by an appointing authority may be modified or revoked by the State Personnel Board if the board finds that the causes for which the action was taken were insufficient or not sustained, or that the employee was justified in the course of conduct upon which the causes were based Any employee appointed to a position in a career executive assignment category is entitled to return to the last position the employee held as a permanent employee in civil service upon the termination of the employee's appointment

This bill would provide, upon request by the appointing authority and approval of the State Personnel Board, a different procedure for the demotion of managerial employees in civil service who are not in the career executive assignment category. The State

Personnel Board could restore a demoted employee to his or her previous position if the board finds that there is no substantial evidence to support the reasons for demotion, or that the demotion was made in fraud or bad faith. There would be a rebuttable presumption that the demotion was free from fraud and bad faith and that the statement of reasons for the demotion in the employee's notice of demotion is true.

Ch. 986 (SB 1638) Keene. School districts: experimental program.

(1) Existing law requires that school districts maintain their schools for at least 175 days to receive full state apportionments.

Under existing law, the minimum schoolday for the purpose of determining school district apportionments is 230 minutes for grades 1 to 3, inclusive, and 240 minutes for grades 4 to 12, inclusive, except as otherwise specified

This bill would authorize the Potter Valley Community Unified School District and the French Gulch-Whiskeytown Union Elementary School District to independently conduct a 3-year experimental program for the operation of the schools of the district on a 4-day school week, as specified This bill would require, among other things, that the districts provide under the experimental program, on an annual basis, not less than 560 hours of instructional time for kindergarten, not less than 700 hours of instructional time for grades 1 to 3, inclusive, and not less than 845 hours of instructional time for grades 4 to 12, inclusive This bill would state the recognition by the Legislature that for grades 1 to 12, inclusive, these minimum amounts of instructional time exceed the minimum weekly instructional time required in the 1981–82 school year. This bill would provide that these minimum instructional times may be exceeded except that a kindergarten pupil shall not be kept in school more than 4 hours in any day, exclusive of recesses, and except that no school day shall exceed 8 hours. This bill would also require that a school week not be less than 4 days

This bill would require the State Department of Education, from available funds, to submit an evaluation of the experimental program to the Legislature within 6 months of the determination of the experimental program, as specified.

This bill would also provide that the districts shall each be entitled to receive the same state support, but not more support, due to average daily attendance that they would have received had they been operating under the provisions of law relating to the 175-day school year

This bill would also provide that the reduced number of schooldays in the districts shall not affect any classification, tenure, notice, or contract rights of certificated or classified employees of the districts

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 987 (SB 1680) Alquist. Prescribed burning

(1) Under existing law, the Director of Forestry, with the approval of the Director of General Services, is authorized to enter into a contract for prescribed burning, for specified purposes, with the owner or any other person who has legal control of any property which is included within any wildland. Wildland is defined to mean any land that is classified as a state responsibility area

This bill would revise the definition of wildland to include any lands that are contiguous to a state responsibility area if wildland fuel accumulation is such that a wildland fire occurring on these lands would pose a threat to the adjacent state responsibility area

The bill would also include specified lands in the Sutter Buttes as wildlands for purposes of prescribed burning

The bill would also authorize the Director of Forestry to make agreements with private or public entities, as specified, to perform certain duties of the state in prescribed burning operations under specified conditions

(2) Under existing law, the state is authorized to assume a proportionate share of the costs of site preparation and a prescribed burning operation.

This bill would exclude wildlands under the jurisdiction of the federal government from wildlands on which the state may assume a proportionate share of those costs

(3) The bill would take effect immediately as an urgency statute

Ch 988 (AB 3804) Vasconcellos Appropriation. claims against the state.

This bill would appropriate $229,293.90 to the State Board of Control to pay claims of the Secretary of the State Board of Control.

This bill would take effect immediately as an urgency statute

Ch 989 (AB 3805) Vasconcellos. Claims against the state.

This bill would appropriate from the General Fund the sum of $190,328.98 to the State Board of Control to pay the claims of the Secretary of the State Board of Control

This bill would take effect immediately as an urgency statute

Ch. 990 (AB 3040) Farr. Children

(1) Under the existing program for Aid to Families with Dependent Children-Foster Care (AFDC-FC), aid is available for otherwise eligible children in voluntary placement, defined as placement by or with the participation of the county welfare department after the parents or guardians have requested the assistance and signed a voluntary placement agreement

This bill would include within the definition of "voluntary placement" and "voluntary placement agreement" placement certified by a licensed private adoption agency, the county welfare department, or the State Department of Social Services acting as an adoption agency

(2) Under the AFDC-FC program a child must be placed in one of specified facilities, including a certified home operated for the exclusive use of a licensed homefinding agency and a licensed family home providing 24-hour care in the family residence of the licensee. The bill would include within the specified facilities the term "exclusive-use home" defined as a family residence certified by a licensed homefinding agency and issued a certificate of approval by that agency as meeting licensing standards, and used exclusively by that homefinding agency for placements

(3) Under existing law, a proceeding to declare a child free from parental custody and control is required to be heard not more than 45 days after filing the petition and completion of service.

This bill would require the proceeding to be set as determined in the discretion of the court either not more than 45 days after filing of the petition, when the proceeding may be continued by the court until service of process has been completed, or not more than 45 days after the completion of service of process The bill would also require the matter to have precedence over all other civil matters on the date set for trial and specify that the court may continue the proceeding, not exceeding 30 days, to appoint counsel and to enable counsel to become acquainted with the case

(4) Under existing law, other than as to parties to an adoption and their attorneys, all records and information regarding the birth of children who have been adopted, except for newly issued birth certificates, are available only upon an order of the superior court, which may only be granted in cases of necessity and good and compelling cause

This bill would authorize the State Department of Social Services and licensed adoption agencies to arrange for contact among an adult adoptee, his or her natural parent, and his or her adoptive parent, if the adoptee, the natural parent, and any living adoptive parent have each waived his or her rights with respect to the confidentiality of adoption records, as specified

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

The bill would provide that if specified bills are enacted, changes made to provisions of law which are also amended in this bill would be incorporated in this bill if this bill is enacted after the other bills are enacted

Ch. 991 (AB 3499) Tucker County Employees Retirement Law of 1937.

The County Employees Retirement Law of 1937 accords various rights and benefits to employees who leave county service and subsequently return within specified periods

This bill would enact similar provisions with expanded periods and a similar provision regarding returning members who had been members of the Public Employees' Retirement System through employment by a public agency which contracted with that system, which would apply only to a county of the first class and only if adopted by the board of supervisors

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 992 (AB 2425) Robinson. Orange County Water District.

(1) Under existing law, the Orange County Water District, a special district created and governed under the Orange County Water District Act, is, among other things, vested with specified powers relating to replenishing, regulating, and protecting the groundwater supplies within the district. For this purpose, the district is authorized to levy replenishment assessments and basin equity assessments.

This bill would authorize the district to provide for the conjunctive use of groundwater and surface water resources within the district area and to regulate and control the storage of water and the use of groundwater basin storage space in the groundwater basin within the district The bill would require all groundwater storage by an entity other than the district to be conducted pursuant to a groundwater storage agreement between that entity and the district and would specify related matters. The bill would provide for the levy of basin equity assessments on the basis of the water year, rather than fiscal year, would revise the definition of "supplemental sources" for that purpose, and would make other changes

(2) Under existing law, the total amount of district promissory notes outstanding at any one time may not exceed the lesser of either $2,500,000 or 3% of the assessed valuation of the taxable property in the district.

This bill would increase that maximum amount to the lesser of either $5,000,000 or 3% of that assessed valuation

(3) Under existing law, the board of directors of the district is required to appoint specified officers of the district, and, in addition, specified county officers are required to perform the same duties for the district as they perform for Orange County when so requested by the district

This bill would require the district to appoint all district officers, but would permit the district to choose to appoint the county treasurer, county assessor, county tax collector, or county auditor to perform the same respective duties for the district. The bill would provide for appointment of a secretary manager of the district and make related changes. The bill would provide, in the event a treasurer other than the county treasurer is appointed, for the deposit of district funds in a bank or banks approved for deposit of public funds and would make related changes.

(4) Under existing law, the compensation received by district directors may not exceed $50 per board meeting attended and $50 per day for other services rendered, and directors may not receive compensation for more than 6 days in any calendar month.

This bill would increase that maximum amount to $100 per board meeting attended, and $100 per day and $50 per half day, as defined, for other services rendered, would limit the total compensation for these services to $600 per month, and would make related changes

(5) Under existing law, the amount of the district's general reserve may not exceed $1,000,000.

This bill would change that limit to the sum of 15% of the total current annual general and water reserve fund budgets.

(6) Under existing law, with specified exceptions, expenditure by the district in an amount in excess of $5,000 may not be made without calling for competitive bids, as prescribed

This bill would authorize the district to prescribe methods for the construction of works and for the letting of contracts for specified purposes. The bill would generally prohibit any contract for the doing of such works in excess of $10,000 to be made without so calling for competitive bids, but would permit contracts for specified purposes to be let without calling for competitive bids.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 993 (AB 2421) Thurman State property.

(1) Existing law prohibits any person from driving any vehicle or animal, or operating any bicycle or motorized bicycle, or riding or propelling a skateboard or roller skates, or stopping, parking, or leaving any vehicle, animal, bicycle, or motorized bicycle on the grounds of specified government entities without the permission of the governmental entity

This bill would delete the operation of bicycles and motorized bicycles and the riding or propelling of a skateboard or roller skates from the prohibition and would include state grounds served by the California State Police within these provisions. The bill would also authorize state agencies with jurisdiction over the grounds served by the California State Police to regulate those grounds. The bill also would authorize a public agency, including, but not limited to, the Board of Regents of the University of California and the Trustees of the California State University and Colleges, to restrict, or to specify the conditions of, the use of bicycles, motorized bicycles, skateboards, or roller skates on public property under the jurisdiction of that agency or, for a transit development board, property under the control of, or used by, that board.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 994 (AB 2397) Young Off-highway vehicles.

(1) Under the Off-Highway Vehicle Recreation Act of 1980, there is created in the Department of Parks and Recreation the Office of Off-Highway Motor Vehicle Recreation which has jurisdiction over, and provides funding of, off-highway motor vehicle areas

This bill would repeal that act and would enact the Off-Highway Motor Vehicle Recreation Act of 1982 The bill would create the Off-Highway Motor Vehicle Recreation Commission and the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation and prescribe their powers and duties with respect to the State Vehicular Recreation Area and Trail System The bill would authorize the department to contract with private concessionaires or with other public or private entities, to plan, develop, and manage units of the system. The bill would transfer to the system existing state park system properties acquired by the department with money from the Off-Highway Vehicle Fund Provisions prescribing the sources of moneys in and the allocation of moneys from the Off-Highway Vehicle Fund would be operative July 1, 1983 The bill would require the Auditor General to prepare and submit a program performance audit report to the Legislature on the implementation and operation of the Off-Highway Vehicle Recreation Act of 1982 by October 1, 1984.

Those provisions of the bill would be repealed on January 1, 1988

(2) Under existing law, state recreation units of the state park system are classified into various categories, including state vehicular recreation areas, by the State Park and Recreation Commission.

This bill would delete the classification of state vehicular recreation areas.

(3) The bill would also make technical and conforming changes.

(4) The bill would make an appropriation by authorizing new use of money in the Off-Highway Vehicle Fund, which is a continuously appropriated fund. Unencumbered money in that fund would be transferred to the General Fund on January 1, 1988.

Ch 995 (AB 1531) Papan Tidelands· City of Brisbane grant

(1) Under existing law, various grants of tide and submerged lands have been made in trust to certain local agencies

This bill would grant specified tide and submerged lands, subject to specified conditions, to the City of Brisbane in trust for purposes of navigation, commerce, fisheries, and for other public purposes. The bill would require, among other things, that the trustee submit a report of its utilization of the granted lands every 5 years to the State Lands Commission, and that the trustee each year file with the commission a detailed statement of revenue from the administration of the lands and the expenditure thereof. The bill would also require the commission to institute, from time to time, a formal inquiry to determine if the terms and conditions of the grant are being complied with

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 996 (AB 3037) Campbell Schools. certificated employees

(1) Existing law specifies requirements for a services credential with a specialization in health, which are required of, among others, school nurses

This bill would establish a separate services credential for school nurses, with specified requirements

(2) Existing law requires completion of specialized preparation, as required by the Commission on Teacher Preparation and Licensing, for a services credential authorizing services as a librarian. Among other things, a 5th year or its equivalent in college or university education is required to be completed within 5 years of the first employment under this credential.

This bill would delete that requirement

(3) Existing law establishes the Commission for Teacher Preparation and Licensing, the duties of which are to promulgate standards for certifying educational personnel as qualified for a license to teach in the public schools. All fees levied and collected by the commission are required to be deposited in the Teacher Credentials Fund and are continuously appropriated to support the commission

Existing law also specifies that a school district which is authorized to issue warrants pursuant to specified provisions of existing law may, at its discretion, provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of a school district

This bill would specify that during any period when summary criminal information is not available from the Federal Bureau of Investigation, no applicant for an initial credential, certificate, or permit shall be employed in a position requiring certification qualifications until he or she has met the minimum requirements for a temporary certificate of clearance

This bill would require an applicant to make a statement under penalty of perjury that he or she has not been convicted of a crime which would constitute grounds for the denial of the credential, permit, or certificate applied for. This bill would specify that an applicant shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to the applicant's fitness to teach or perform other duties for which he or she is certificated, or which is related to his or her competence to perform the duties authorized by his or her credential.

This bill would specify that a temporary certificate of clearance or a credential, certificate, or permit authorizing service in the public schools shall be issued when an applicant has met specified criteria, including the payment of $12 to the Commission for

Teacher Preparation and Licensing or the fees or costs assessed for the issuance of the summary criminal history by the Federal Bureau of Investigation.

This bill would specify that upon receipt of a statement from the Federal Bureau of Investigation that it has no summary criminal history information on the applicant, or upon receipt of the summary criminal history information and clearance by the Committee of Credentials, a temporary certificate of clearance shall be converted to a regular certificate of clearance.

(4) Existing law specifies that the Commission for Teacher Preparation and Licensing shall adopt, in addition to any other regulations authorized by law, regulations requiring every applicant for a credential or for the renewal of a credential, to submit reasonable evidence of identification and good moral character.

This bill would require the adopted rules and regulations to specify that an applicant shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions which did not result in a conviction of an offense involving moral turpitude which is related to the applicant's fitness to teach or perform other duties for which he or she is certificated, or which is related to his or her competence to perform the duties authorized by his or her credential.

This bill would also require the adopted rules and regulations to prescribe the notice which shall be supplied to each applicant on the application form, as specified.

(5) This bill would take effect immediately as an urgency statute.

Ch. 997 (AB 2544) Imbrecht Limited partnerships.

Existing law provides for a comprehensive revision of the laws relating to limited partnerships to be operative, except as specified, on January 1, 1983.

This bill would make various changes, including technical and clarifying changes, in those provisions of law and change their operative date, except as specified, to January 1, 1984.

The bill also would make a related change

Ch. 998 (AB 2751) McAlister. Statutory bonds.

Existing law contains substantial and numerous provisions in numerous codes regarding statutory bonds or undertakings.

This bill would enact a new statute, to be known as the Bond and Undertaking Law. The provisions of existing law affected by this bill include provisions which would do the following.

(a) Authorize an undertaking to be given in lieu of a bond, where a statute prescribes a requirement for a bond, and authorize a bond to be given in lieu of an undertaking, where a statute prescribes a requirement for an undertaking.

(b) Exempt county, city, district, and other local governmental entities and officers, and state and federal agencies and officers from all existing statutes which require such governmental entities or officers to give a bond and provide that such governmental entities and officers shall have the same rights, remedies, and benefits as if the bond were given.

(c) Authorize a court to waive a statutory requirement for a bond if the principal is an indigent and unable to obtain sufficient sureties.

(d) Authorize the beneficiary of a bond to waive the requirement therefor or to consent to a bond in an amount less than the amount required by statute.

(e) Establish procedures relative to the execution and filing of bonds, authorize the Judicial Council to prescribe the form of a bond and other forms relating to bonds given in an action or proceeding

(f) Require court clerks to preserve bonds filed with courts and to enter specified data in the register of actions

(g) Specify detailed rules relative to approval and effect of bonds, personal sureties, admitted surety insurers, deposits in lieu of bonds, bonds to the State of California, objections to bonds, insufficient and excessive bonds, substitution and release or substitution of sureties on a bond given in an action or proceeding, new, additional and supplemental bonds, cancellation of bonds or withdrawal of sureties, liability of principals and sureties, and enforcement liens.

Numerous conforming and corresponding changes, to facilitate or effect the implementation of this bill are contained in AB 2750

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 999 (AB 3153) McAlister Unemployment insurance: fraud.

Under existing law, a willful violation of any provision of the Unemployment Insurance Law constitutes only a misdemeanor, except for forgery which is a felony

This bill would make it a felony for any employer, with intent to defraud, to report or register a fictitious employer or employee and fictitious wages to the Employment Development Department in order to obtain benefits or payments of $400 or more. It would also make it a felony for any employer, with intent to defraud, to falsely report the amount of wages earned or time worked by an employee for the purpose of obtaining or increasing any benefit amount for the employee.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1000 (AB 2467) Campbell. School district employees. organizational dues.

Under existing law, the governing board of a school district is required to deduct from salary payments each month the amount requested by an employee for the purpose of paying the dues of the employee for membership in a specified professional organization The board is required to draw its order each month upon the funds of the district in favor of the organization designated by the employee for an amount equal to the total amounts deducted with respect to that organization during the month.

This bill would require that the governing board draw its order in favor of the designated organization for an amount equal to the total dues deductions made with respect to that organization for the previous pay period no later than the 10th day of each pay period for certificated employees, and transmit the total amount to that organization no later than the 15th day of each pay period for certificated employees, unless otherwise provided pursuant to a collective-bargaining agreement

This bill would also require counties to act in a timely manner when the timely transmittal of dues payments by a county is necessary for a school district to comply with these provisions

This bill would incorporate additional changes in Section 45060 of the Education Code proposed by AB 404 and AB 2967, to be effective only if AB 404, or AB 2967, or both, and this bill are chaptered and become effective on or before January 1, 1983, and this bill is chaptered last.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1001 (AB 1355) Robinson Information state licensees

The Information Practices Act of 1977 imposes upon state agencies, as defined, various affirmative duties and restrictions regarding the collection, retention, use, and disclosure of confidential and personal information, as those terms are defined in the act. The act provides that it does not prohibit the release of names and addresses only of persons possessing licenses to engage in professional occupations.

This bill would provide that nothing in the act would prohibit the release of names

and addresses only of persons registered with, or holding licenses or permits issued by, the State Board of Equalization

The bill would also require that any increased state costs incurred as a result of implementing the bill be paid from the fees received by the board for the sale of names and addresses of persons registered with or holding licenses and permits issued by it.

Ch. 1002 (AB 628) Bergeson. State park system. Crystal Cove State Park.

The Budget Act of 1982 appropriates moneys from the Parklands Fund of 1980 to the Department of Parks and Recreation for various state park system capital outlay projects under the Parklands Acquisition and Development Program.

This bill would amend and supplement the Budget Act of 1982 by appropriating $5,000,000 from that fund to the department for capital outlay at Crystal Cove State Park.

The bill would take effect immediately as an urgency statute.

Ch 1003 (AB 492) Alatorre. School employees.

Existing law authorizes the governing board of any school district to employ, subject to specified conditions, persons possessing appropriate credentials as instructors in classes conducted under contract with public or private agencies, or other categorically funded projects of indeterminate duration.

Existing law specifies that these persons may be employed for periods which are less than a full school year and may be terminated at the expiration of the contract or specially funded project without regard to other provisions of existing law respecting the termination of probationary or permanent employees.

This bill would authorize the governing board of any school district to employ persons in programs and projects to perform services conducted under contract in categorically funded projects which are not required by federal or state statutes

This bill would specify that persons employed in these positions are subject to specified provisions of existing law relating to the reemployment rights of substitute or temporary employees deemed to be probationary employees.

Ch. 1004 (AB 2802) M Waters Public utilities and carriers. certificates, permits, and fines.

(1) Under existing law, the operations of common carriers and other public utilities are regulated by the Public Utilities Commission and are required to have a certificate of public convenience and necessity authorizing their operations. Highway permit carriers and household goods carriers are regulated by the commission and are required to have in force a permit authorizing their operations. Carriers and public utilities are generally permitted to make no charge for their services except those charges approved by the commission

This bill would provide that, whenever any public utility makes an unauthorized undercharge, the 3-year statute of limitations on actions of this type will be tolled when the commission institutes an investigation of the matter and will remain tolled until the commission renders its initial decision on the matter. The commission would be required to render its final decision within two years of the date of the order instituting the investigation

(2) Existing law permits the commission to impose a fine on any highway common carrier, cement carrier, highway permit carrier, or household goods carrier not exceeding $5,000.

This bill would increase the maximum fine which the commission may impose on those carriers for any second or succeeding offense to $10,000.

Ch 1005 (SB 2056) Robbins Fiscal affairs 51st District Agricultural Association.

(1) Moneys in the Off-Highway Vehicle Fund are continuously appropriated for expenditure by the Office of Off-Highway Motor Vehicle Recreation for specified purposes

This bill would appropriate $150,000 from the Off-Highway Vehicle Fund to the Department of Parks and Recreation for a loan to the 51st District Agricultural Association for producing an off-highway vehicle fair at the Hungry Valley State Vehicular Recreation Area.

The bill would authorize the 51st District Agricultural Association to sell approximate-

ly 7 2 acres of land, as specified. It would require the proceeds of the sale of the property to be deposited in an interest-bearing trust account, with the principal to be used only for the acquisition of land for a permanent fairground site and interest for the repayment of the loan and after repayment for any authorized activity or purpose of the association

Ch 1006 (AB 1317) Costa. Local government credit cards.

Existing law permits a court, city, or other public agency to authorize the acceptance of a credit card for payment for services rendered by any county or city and county, as specified. These provisions, and certain others specifying the conditions under which credit cards may be accepted by local governmental entities, would be repealed by their own terms January 1, 1983.

This bill would delete the January 1, 1983, repeal date, thereby continuing these provisions in effect indefinitely.

Ch 1007 (AB 3604) W. Brown. Pilots: San Francisco Bay.

(1) Existing law prescribes pilotage rates for the Bays of San Francisco, San Pablo, and Suisun. The rates include a charge of 18.75 mills per high gross registered ton The minimum charge is $300 for each vessel piloted Pilots are required to pay to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun, for its services and expenses, 5% of pilotage fees The amount of these fees, however, is computed exclusive of the increases in pilotage rates made by legislation enacted at the 1975–76, 1977–78, 1979–80, and 1981–82 Regular Sessions of the Legislature

This bill would increase the charge to 20.75 mills per high gross registered ton, and increase the minimum charge to $600

(2) Existing law provides that retired or disabled pilots shall receive as a monthly pension an amount which is $65 multiplied by the number of years of service.

This bill would increase the $65 amount to $75

Ch 1008 (SB 1476) Marks. San Francisco Bay Area Rapid Transit District. purchases, construction

(1) Under the San Francisco Bay Area Rapid Transit District Law, the purchases of supplies, equipment, and materials and the construction of facilities and works by the San Francisco Bay Area Rapid Transit District over $10,000 are required to go to bid, and if under $25,000 the general manager may act on behalf of the district board.

This bill would increase to $25,000 the amount above which purchases of supplies, equipment, and materials are required to go to bid, and to $50,000 the amount under which the general manager may act in this regard on behalf of the district board

The bill would require the district, in the case of construction projects over $1,000 and less than $10,000, and of purchases over $1,000 and less than $25,000, to obtain at least 3 written or oral quotations of prices and terms

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1009 (SB 1516) Maddy. Loans.

The existing Personal Property Brokers Law regulates the amounts and conditions under which interest, fees, bonuses, commissions, brokerage, discounts, expenses, and other forms of costs may be charged, contracted for, or received by a licensee in connection with the making of a loan

This bill would provide that on any loan secured by real property, a personal property broker may collect the fee to be paid to the trustee for reconveyance of the trust deed, for transmittal to that trustee.

Existing law prohibits a personal property broker from inducing or permitting a borrower to become obligated under more than 1 contract of loan at the same time with the same personal property broker for the purpose or with the result of obtaining a higher rate of charge than that which would be permitted under the Personal Property

Brokers Law.

This bill would provide for an exception from these provisions where required by the federal Equal Credit Opportunity Act and applicable regulations, as specified.

Existing law requires consumer finance lenders to preserve their books, accounts, and records for at least 2 years after making the final entry on any loan recorded therein.

This bill would provide that consumer finance lenders are not required to maintain and preserve original records, provided that any information requested by the commissioner can be furnished within 48 hours excluding weekends and holidays, as specified.

Under existing law, the Commissioner of Corporations must require consumer finance lenders to state separately in the annual reports to be submitted by lenders, information pertaining to (1) loans of a principal amount of less than $10,000 which are not secured by real property, (2) loans of less than $10,000 which are secured by real property, and (3) loans of $10,000 or more and any other business

This bill would provide instead, that information pertaining to loans of a principal amount of less than $10,000, and loans of $10,000 or more and any other business, shall be required by the commissioner to be stated separately in the annual report of a consumer finance lender

Under existing law, no charges on loans made by consumer finance lenders shall be paid, deducted, or received in advance or compounded, subject to specified exceptions.

This bill would add to the exceptions an acquisition fee authorized by existing law.

Existing law requires a consumer finance lender to deliver to the borrower at the time of making the loan an amount equal to the face value of the loan and the note evidencing the loan

This bill would provide that the consumer finance lender shall deliver the loan amount either to the borrower or at the direction of the borrower

Existing law prohibits a consumer finance lender from inducing or permitting a borrower to become obligated under more than 1 contract of loan at the same time with the same consumer finance lender for the purpose or with the result of obtaining a higher rate of charge than that which would be permitted under the Consumer Finance Lenders Law

This bill would provide for an exception from these provisions where required by the federal Equal Credit Opportunity Act and applicable regulations, as specified.

Existing law provides that any consumer finance lender may surrender his or her license by delivering written notice of the surrender to the Commissioner of Corporations

This bill would provide that the surrender of a license by a consumer finance lender becomes effective 30 days after receipt of the application of surrender by the commissioner or within a shorter time as the commissioner determines, unless a revocation or suspension proceeding is pending at the time the notice is filed or a proceeding to revoke or suspend or to impose conditions upon the surrender is instituted within 30 days after the notice is filed Under such circumstances the surrender would become effective at such time and under the conditions specified by the commissioner

Ch 1010 (SB 1725) Johnson Primary health service hospitals.

Existing law authorizes a 4-year demonstration project under which any general acute care hospital meeting prescribed criteria is designated as a primary health service hospital for the purpose of receiving exemption from licensure standards generally applicable to general acute care hospitals The State Department of Health Services is responsible for the administration of the demonstration program, which includes the development of specified criteria for the designation of the hospitals which participate in the project Existing law requires the Office of Statewide Health Planning and Development to contract with health agencies to perform the function of assisting applicants with applications to the program. Existing law repeals the provisions relating to the demonstration project on January 1, 1983

This bill would, instead, require the department to designate certain general acute care hospitals as primary health service hospitals, as defined, for the purpose of facilitating the diversification of the small, rural hospital The bill would require the department to develop criteria for health service plans, as specified, and review a general acute care hospital's health service plan based upon recommendations of the local health system agency, input from local public meetings, recommendations of the medical advisory

panel, and the adequacy of the plan to meet the criteria for servicing rural health. The bill would require the department to contract with one or more health system agencies to perform technical assistance to primary health service plans, as prescribed, and to assist hospitals submitting a primary health service plan.

The bill would require the Office of Statewide Health Planning and Development to review and approve the number of swing beds in a health care plan based upon community need and projected utilization, and otherwise subject a primary health service hospital to the requirements of certificate of need.

The bill would require a general acute care hospital which is notified by a skilled nursing or intermediate care facility that it has beds available within a 25-mile radius of the hospital, to transfer the patients to occupy the available beds at the skilled nursing or intermediate care facility. However, the bill would require those facilities to accept and retain only patients for whom they can provide adequate care.

The bill would specify reimbursement procedures for Medi-Cal patients occupying swing beds It would also require the Director of Health Services to report annually to the Legislature beginning December 31, 1983, as specified.

The bill would delete the repeal provisions relating to the program, thereby continuing the program, but the bill would repeal provisions of the program requiring the Legislative Analyst to report annually to the Governor and the Legislature on implementation of the project

Ch 1011 (AB 2807) Frizzelle Public social services: residency

Existing law provides that no person shall be eligible for aid under public assistance programs including the Aid to Families with Dependent Children program if the person resides outside the state for a period of 2 months

Existing law provides that persons who are not residents of this state are not eligible for the Medi-Cal program, which provides basic health care to low-income and indigent recipients

This bill would provide that under the Aid to Families with Dependent Children and Medi-Cal programs, a person shall become ineligible for aid if the person receives aid payments for 2 consecutive months at an address outside the state, where the county has made specified inquiries and where the recipient has not demonstrated that residency in this state still exists or where illness or other good cause has prevented a return to this state The bill's provisions would not apply to foster care payments made to persons placed out of state by agencies in this state.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1012 (SB 1272) Watson Health care paramedics medical emergencies

(1) The provisions of the former Wedworth-Townsend Paramedic Act, which authorized counties to conduct a pilot program to provide services utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency, were effective only until January 1, 1982

This bill would delete those obsolete provisions and enact new provisions which would authorize counties, which conduct a program which provides services utilizing mobile intensive care paramedics, as defined, for the delivery of emergency medical care to the sick and injured at the scene of an emergency, to provide courses of instruction and training leading to certification as a mobile intensive care paramedic under the provisions of the Emergency Medical Service System and the Prehospital Emergency Medical Care Act The bill would authorize the Emergency Medical Service Authority to prescribe standardized insignia or emblems for patches which may be affixed to the clothing of mobile intensive care paramedics or mobile intensive care nurses. The bill would make provisions for patient health care management at, and management at the scene of, a medical emergency, as prescribed. The bill would authorize a county to establish a unified command structure for patient management at the scene of an emergency,

including the establishment of a committee comprised of representatives of the agency responsible for county emergency medical services, the county sheriff's department, the California Highway Patrol, public prehospital-care provider agencies serving the county, and public fire, police, and other affected emergency-service agencies within the county, as prescribed. The bill would require the county health officer or county designated physician to establish criteria necessary to maintain certification as a mobile intensive care paramedic or mobile intensive care nurse as prescribed. The bill would prohibit any public or private agency from advertising or disseminating information to the public that the agency provides paramedic rescue or paramedic ambulance service unless the agency does, in fact, provide mobile intensive care units on a continuous 24 hours-per-day basis, as specified

(2) This bill would repeal the above provisions January 1, 1984

(3) The bill would take effect immediately as an urgency statute.

Ch. 1013 (AB 2815) Hart. Alcoholism: State advisory board.

Under existing law, the provisions creating the State Advisory Board of Alcohol-Related Problems will terminate January 1, 1983 Existing law requires the State Department of Alcohol and Drug Programs to develop, implement, and when necessary, revise a statewide plan regarding inappropriate alcohol use

This bill would eliminate the termination date of the state advisory board This bill would permit the replacement of board members, upon recommendation of the board, for failure to attend board meetings. The bill would require the board to review and make recommendations to the Director of Alcohol and Drug Programs regarding the statewide plan and would require the department to take these recommendations into consideration when developing and revising the statewide plan

Ch. 1014 (AB 2310) Ivers. Public social services

Existing law provides that it is the responsibility of a provider of nonemergency services reimbursable under the Medi-Cal program, prior to rendering those services, to verify the recipient's identity, in the manner specified, against his Medi-Cal identity card.

This bill would provide that if the provider complies in good faith, he shall not be held responsible by having payments withheld by the state.

Ch. 1015 (AB 638) Robinson Workers' compensation awards: commutation.

Existing law authorizes the Workers' Compensation Appeals Board to commute workers' compensation awards from periodic payments to a lump sum when the commutation is for the best interest of the applicant.

This bill would provide that in determining the applicant's best interest, the board shall consider the applicant's general financial condition, including his or her ability to live without periodic indemnity payments and to discharge debts incurred prior to the date of injury.

Ch 1016 (AB 2907) Rogers Radiotelephone utilities

(1) Existing law provides for the regulation of public utilities, including telephone corporations, by the Public Utilities Commission pursuant to the Public Utilities Act.

This bill would designate a category of telephone corporation, not defined in the Public Utilities Act, as a "radiotelephone utility" conducting public land mobile radio service, as specified, pursuant to authorization of the Federal Communications Commission or otherwise found by the Public Utilities Commission to be rendering such service in a manner requiring certification under the Public Utilities Code. The definition of radiotelephone utility would exclude telephone corporations engaged in the business of affording public landline message telephone service or a subsidiary or affiliate of those telephone corporations.

The bill would require, as of January 1, 1983, each of these utilities to annually remit to the commission its pro rata share of $60,000 for deposit in the Radiotelephone Utility Rate Fund, which the bill would create and continuously appropriate to the commission for purposes of these provisions, including the payment of the salary and expenses for one staff position. It would direct each such utility to file with the commission annually a copy of a designated report to the Federal Communications Commission, or a form

designated by the commission, together with a statement of its revenues from operations in this state. It would specify an application fee of $400 for a certificate of public convenience and necessity, which would be deposited in the Radiotelephone Utility Rate Fund, and require that application therefor be made within 30 days of application for a federal construction permit or license

The bill would require the commission to allow the fees paid into the fund as an ordinary operating expense for purposes of establishing rates or charges. The bill would authorize the commission to estimate the appropriate fee, and a penalty of up to 25%, if the radiotelephone utility is in default of the preparation and submission of any report or fee payments, for a period of 30 days or more, and would also authorize the commission to suspend or revoke that person's or corporation's certificate of public convenience and necessity if the default extends to 60 days past receipt of notification of the default. These provisions would remain in effect only until January 1, 1985, and would be repealed on that date unless a later enacted statute deletes or extends the date

(2) Item 8600-001-001 of the Budget Act of 1982 appropriates $17,168,000 for the support of the Public Utilities Commission, with the provision that, if legislation is enacted during the 1981–82 Regular Session which authorizes the commission to impose fees on regulated utilities to offset support costs for the commission, the unencumbered balance of the funds appropriated by the item determined by the Department of Finance to be offset by the fees shall be transferred to the General Fund.

This bill would exclude the fees collected under its provisions from that provision of Item 8600-001-001 of the Budget Act of 1982.

Ch. 1017 (AB 2023) Elder Engineering, business, and accounting faculty. CSU and UC.

Existing law provides for the California State University, the University of California, and the California Maritime Academy to be administered by the trustees, the regents, and the California Maritime Board of Governors, respectively.

This bill would declare the Legislature's findings concerning the recruitment and retention of engineering, business, and accounting faculty at the University of California and the California State University, and that of marine engineering faculty at the California Maritime Academy

This bill would require the California Postsecondary Education Commission to review various studies and to report to the Legislature regarding actions undertaken by the University of California and the California State University regarding engineering, business, and accounting faculty, as specified

The bill would take effect immediately as an urgency statute

Ch 1018 (AB 3726) N. Waters County boards of education: Mono County

Existing law prescribes a method of determining state apportionments to county superintendents of schools based generally on the computation of revenue limits for various programs and services less property tax revenues received. A revenue limit for capital outlay is computed based on a previously authorized tax levied for that purpose but the proceeds of the tax could not be used to construct any administration facilities or centers.

This bill would specifically authorize the County Superintendent of Schools of Mono County to construct any administration facility or center for the purpose of providing housing for all of the functions and services of the county office of education

Ch 1019 (AB 3610) Bates Alcoholic beverages

Existing law authorizes licensed beer manufacturers to sell beer to any person holding a license authorizing the sale of beer and to consumers for consumption on the manufacturer's premises or on the premises which are contiguous to those licensed premises. The law authorizes the beer manufacturer to sell only those beverages that are packaged by or for him or her.

This bill would, in addition, authorize a beer manufacturer to sell ~~all beers~~ [beer and wine]* , regardless of source, to consumers for consumption at a bona fide public eating place on the manufacturer's licensed premises, or at a bona fide public eating place on premises owned by the manufacturer, as specified

Ch. 1020 (AB 3079) Hughes. Housing

(1) Existing law requires the Department of Housing and Community Development to adopt rules and regulations establishing terms upon which certain deferred payment rehabilitation loans may be made.

The bill would permit the department to make a deferred payment loan to an elderly person of low income who is the owner of an owner-occupied dwelling without the requirement that other financing be provided to the extent of the owner's ability to afford the cost of other financing.

This bill would make certain technical corrections to existing law.

(2) Under existing law, the Department of Housing and Community Development administers a housing assistance program for certain persons who are mentally disordered, developmentally disabled, or physically disabled and who require continuing care, as defined.

This bill would, among other things, instead authorize the department to administer this assistance program for such persons requiring supportive services, as defined. The bill would require the determination that the developmentally disabled and mentally disordered persons receiving such assistance not need institutional care.

(3) Existing law defines "mortgage loan" to mean a long-term loan which is secured by a mortgage and is made for permanent financing;* including refinancing of existing mortgage obligations as authorized by regulation of the California Housing Agency, of a housing development in the state [, or to mean a buy-down mortgage loan secured by a mortgage, as authorized by regulation of the agency, of an owner-occupied unit in the state]*

This bill would additionally include within ~~the~~ [that]* definition a long-term loan secured by a mortgage and made for permanent financing of a residential structure; ~~or a buy/down mortgage loan secured by a mortgage as authorized by regulation of the agency of an owner/occupied unit in the state~~*.

Ch. 1021 (SB 2042) Montoya Boxing and wrestling.

Existing law provides for an annual license fee to conduct a professional boxing contest, a sparring or wrestling match, or a wrestling exhibition, of $100 The fee for a club license is $25. Existing law also specifies certain dates by which portions of the annual fee shall be paid.

This bill would increase the annual fee from $100 to $200, and the fee for a club license from $25 to $50. It would also delete those provisions which permit portions of the annual fee to be paid on specified dates.

Existing law specifies the annual license fees for various individuals licensed by the State Athletic Commission.

This bill would revise those fees by increasing the annual license fees for professional and amateur judges, timekeepers, and matchmakers.

Existing law requires, with specified exceptions, every boxing and wrestling club licensed by the State Athletic Commission to pay a specified admission tax based on the amount paid for admission and broadcast or television rights but in no case shall the tax be less than $25.

This bill would instead provide that in no case shall the tax be less than $50.

Existing law requires any person who charges or receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance, on a closed-circuit telecast viewed within this state to obtain a permit from the State Athletic Commission, to be issued without charge

This bill would provide that the permit shall be issued for each location where the telecast is to be viewed. The fee for the permits would be $50 each

Existing law requires every person who charges and receives a fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance on a closed-circuit telecast viewed within the state to, within 72 hours of such event, furnish the commission a verified written report showing the number of tickets or subscriptions where an extra or additional fee is charged for the viewing, as specified. It also requires the person, at the same time, to pay to the commission a tax of 1¢ for each 20¢ or fraction thereof, and in no event is the tax to be less than $25

This bill would instead provide that in no event is the tax to be less than $50.

Ch 1022 (AB 758) Hallett. Schools. school construction.

Existing law defines average daily attendance for the purpose of determining the area of building construction per unit of average daily attendance used in computing allowances to school districts for capital outlay under the Leroy F. Greene State School Building Lease-Purchase Law of 1976 The attendance of 7th and 8th grade pupils attending school in an elementary school district but who reside in a high school district which maintains junior high schools is excluded from the definition, unless, among other things, the elementary district by a vote of the electorate at an election held on June 2, 1981, withdraws its 7th and 8th grade pupils and purchases a junior high facility from the high school district.

This bill would delete the requirement that the elementary district purchase the facility from the high school district.

This bill would, also, include the average daily attendance of 7th and 8th grade pupils in elementary school districts in the computation when the electorate voted at an election held on November 4, 1980, to withdraw its 7th and 8th grade pupils from the high school district and the high school district continues to qualify for a project, other than a project approved pursuant to a separate allowable building area computation for each attendance area, on the basis of other 7th and 8th grade pupils.

This bill would take effect immediately as an urgency statute.

Ch 1023 (AB 2995) Imbrecht. Fox Canyon Groundwater Management Agency.

(1) Under existing law, there are no specific provisions providing for the management of groundwater within Ventura County.

This bill would create within Ventura County the Fox Canyon Groundwater Management Agency to include all land overlying the Fox Canyon aquifer, subject to adjustment as specified. The bill would specify the powers and duties of the agency, and would provide for the financing of the agency, including the authority to levy, as prescribed, groundwater extraction charges and management charges.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons.

Ch. 1024 (AB 2937) Konnyu State Supplementary Program: eligibility.

Existing law provides for the State Supplementary Program which gives supplementary cash assistance to aged, blind, and disabled persons who meet eligibility criteria for the federal Supplemental Security Income program, and also provides assistance to specified persons who do not meet the criteria for the Supplemental Security Income program, but who met the criteria of specified state programs which were eliminated upon the enactment of the provisions establishing the State Supplementary Program so long as these persons remain otherwise eligible for the program

This bill would eliminate coverage under the State Supplementary Program for those persons who are eligible solely due to having met eligibility requirements for those state programs eliminated upon the enactment of the provisions establishing the state supplementary program

Ch. 1025 (AB 1456) Leonard Public social services

Existing law provides that the Legislature shall, for the Aid to Families with Dependent Children (AFDC) program, annually establish in the Budget Act a dollar error rate standard which counties must not exceed in making payments to ineligible persons or by overpaying eligible individuals Existing law further provides that if a county exceeds the prescribed dollar error rate, the Director of Social Services may impose state sanctions against that county in order to hold it financially liable for amounts in excess of the dollar error rate

This bill would specify that the Director of Social Services may only hold a county financially liable if the department has conducted within the county a statistically reliable and valid case sample, with a confidence level of at least 95%.

The bill would further provide that counties exceeding the state error rate standard for the AFDC program would be apportioned a sanction no greater than their state

AFDC payments multiplied by the amount by which the statistical measure of the lower point estimate of their error rate exceeded the state standards

This bill would take effect immediately as an urgency statute

Ch. 1026 (AB 3200) Tanner Indoor environmental quality.

There is in existing law the Mulford-Carrell Act which requires the Department of Health Services to submit to the State Air Resources Board recommendations for ambient air quality standards reflecting the relationship between the intensity and composition of air pollution and the health, illness, irritation to senses, and the death of human beings.

This bill would make various legislative findings and declarations regarding indoor environmental quality and would additionally require the department to coordinate efforts to assess, protect, and enhance indoor environmental quality, as specified. The bill would become operative only if the Statutes of 1982 include an appropriation which is specifically for the purpose of the bill.

Ch. 1027 (AB 2909) Thurman Aircraft noise and aeronautics funds.

(1) Under existing law, a person may maintain an action for injury, founded upon inverse condemnation or nuisance, caused by noise from aircraft using an airport.

This bill would prohibit any action [in nuisance]* for damages from aircraft noise against an airport owned and operated by a county or city and county but physically located in another county or city and county operating pursuant to noise standards of the Department of Transportation adopted pursuant to specified laws including any variance therefrom issued by the department to the airport The bill would require residence within an area where the noise level exceeds that level permitted by the state standards in order for a person to maintain an action against such an airport.

The bill would deem, if, in any civil action, the operations of such an airport holding an airport permit issued by the department are found to be a nuisance, the nuisance to be permanent and not continuing

The bill would specify that these provisions shall not prevent any legal action by any resident of a city of over 2,000,000 population

The bill would repeal these provisions on January 1, 1985.

(2) Existing law provides for annual payments from the Aeronautics Account in the State Transportation Fund to public entities operating airports It provides for the annual payment by the department of $5,000 for each airport having less than 85,000 enplanements, to be expended for airport and aviation purposes, including operation and maintenance Existing law specifically requires the department to pay $5,000 annually to the University of California for each airport used by the general public, as specified. It also permits the accrual of these annual payments for not more than 3 years and requires a pro rata repayment of these funds whenever an airport ceases to be used as an airport open to the general public for more than one year It requires, until July 1, 1983, the California Transportation Commission to establish the rate of a public entity's required matching funds, as a condition to receiving these payments, at between 10% and 50% of the nonfederal funded portion, but not less than 10% of the total eligible project costs, and requires that, on and after July 1, 1983, the required matching fund rate at least equal the amount to be paid under these provisions.

This bill would declare that it is in the public interest that the department maintain minimum administrative control over the grant program.

The bill would require the department to establish individual revolving fund subaccounts for eligible airports, as specified, and would annually credit the funds payable to these subaccounts which could be accumulated for up to 5 years. The bill would direct the department to make payments to public entities of credited funds upon request for expenditure, as specified, on preapproved projects. The department would be required to adopt rules and regulations and establish procedures to effect prompt payment of credited money

The bill would authorize the establishment of accounting procedures relative to cumulating and expending these funds. It would also extend from 3 to 5 years the period for which these funds may be accrued

The bill would delete the specific requirement that the department pay $5,000 annually to the University of California for each airport used by the general public.

The bill would provide that the pro rata repayment provisions do not apply in the case of an airport for which the department has on and after January 1, 1981, suspended the airport permit when the payments made pursuant to these provisions are being expended to correct the deficiency or condition which resulted in the suspension of the permit.

The bill would extend from July 1, 1983, to July 1, 1986, the commencement of the requirement that the matching fund rate equal the amount of the state's payment.

Ch. 1028 (AB 2368) Lockyer. Income taxation. deductions.

Under existing Personal Income Tax Law and Bank and Corporation Tax Law, no deductions are permitted to a taxpayer on any of the taxpayer's gross income directly derived from illegal activities as defined in specified state criminal statutes or derived from any other activities which directly tend to promote or to further, or are directly connected or associated with, those illegal activities.

This bill would provide for a similar prohibition against deductions applicable to any taxpayer on any of its gross income directly derived from illegal activities as defined in specified additional state criminal statutes or any activities which directly tend to promote or to further, or are directly connected or associated with, those illegal activities.

This bill's prohibitions would be applicable to taxable or income years which have not been closed by a statute of limitations, res judicata, or otherwise.

This bill would take effect immediately as a tax levy

Ch. 1029 (AB 3103) Hughes. Community colleges: cooperative agencies resources for education programs.

Existing law authorizes community college districts to establish various educational programs. No provision of law specifically targets welfare recipients for additional support services to assist them in succeeding in a community college setting.

This bill would authorize the Chancellor's office of the California Community Colleges, in cooperation with the State Department of Social Services and the State Employment Development Department, to contract with community college districts which presently have cooperative agencies resources for education programs for the purpose of providing additional funds for support services, as specified.

This bill would require the Chancellor's office of the California Community Colleges to adopt guidelines for the cooperative agencies resources for education programs and to be responsible for the administration of the funds for the programs.

This bill would reappropriate $250,000 from the unencumbered balances of the funds appropriated by the Budget Act of 1982 for the support of the Employment Development Department, to the Chancellor's office of the California Community Colleges for the purposes of this bill in the 1982–83 fiscal year

This bill would specify that the cooperative agencies resources for education programs be operative in the 1983–84 fiscal year and each fiscal year thereafter only if funds are specifically appropriated therefor.

Ch. 1030 (AB 3088) Kapiloff. State Lands Commission: in-lieu lands.

(1) This bill would make legislative findings and declarations with respect to the acquisition by the state from the federal government of certain lands in-lieu of school lands and, in that connection, would appropriate $550,000 from the General Fund to the State Lands Commission for specified purposes in augmentation of the commission's 1982 Budget Act support item appropriation

(2) Existing law requires the commission to deposit in the State Treasury all revenues, moneys, and remittances, as specified, and to apply those moneys to specified obligations in a specified order.

This bill would require the commission to deposit $550,000 of tidelands oil and gas revenues in the General Fund after certain obligations, but before others

(3) The bill would take effect immediately as an urgency statute.

Ch. 1031 (SB 1532) Garamendi. Passenger stage corporations, passenger charter-party carriers, and social service transportation.

(1) Existing provisions of the Social Service Transportation Improvement Act promote the consolidation of social service transportation services.

This bill would exempt social service transportation delivered by a nonprofit social

service transportation provider or a for-profit transportation provider pursuant to contract with a nonprofit social service transportation provider organization from specified laws relating to common carriers of passengers and from the Public Utilities Code definition for passenger stage corporations. This exemption would not apply to a nonprofit social service transportation provider who uses one or more vehicles which are designed for carrying more than 16 persons or who operates vehicles which offer transportation services over regularly scheduled or fixed routes

The bill also would prohibit counties, cities, and districts from imposing a special license or fee for social service transportation provided by a nonprofit social service transportation provider organization or a for-profit transportation provider pursuant to contract with a nonprofit social service transportation provider organization

(2) Under existing law, passenger stage corporations are required to hold a certificate of public convenience and necessity from the Public Utilities Commission authorizing their operations, and charter-party carriers of passengers may hold either a certificate or a permit, depending on the type of operations authorized

This bill would exempt from the definition of "passenger stage corporation," for purposes of regulation by the commission, the transportation of persons ancillary to commercial river rafting for the sole purpose of returning passengers to the point of origin of their rafting trip.

The bill would revise provisions requiring the commission to notify public agencies and corporations operating passenger transit systems of proposed passenger rate increases for passenger stage corporations and railroads ~~to require such notification only upon request of the agency or corporation~~* and to include, in its order approving any such rate increase, findings on the effect of the increase on public acceptance of public transit systems [to, instead, require such notification only upon request of the agency or corporation]* The bill would also delete provisions ~~for passenger stage corporations and railroads and to include, in its order approving any such rate increase, findings on the effect of the increase on public acceptance of public transit systems. The bill would also delete provisions~~* restricting to a maximum gross vehicle weight of under 7,000 pounds those vehicles of less than 15-passenger seating capacity whose operations by a charter-party carrier may be covered by a permit from the commission, substituting in place of that weight limit a length limit of under 20 feet

Ch 1032 (SB 1890) Johnson Safe drinking water grants.

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law Chapter 322 of the Statutes of 1978 authorizes the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources

This bill would authorize grants not to exceed specified amounts from the California Safe Drinking Water Fund to specified entities for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards. The bill would make legislative findings in that connection The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with specified provisions of law.

The bill would also provide that the remaining funds available for purposes of the California Safe Drinking Water Grant Program not subject to a letter of commitment by the Department of Water Resources as of June 15, 1982, shall be provided to those agencies selected by the Department of Water Resources and the State Department of Health Services from among those for which the Legislature has specifically approved grants The bill would make legislative findings in this connection and would specify related matters

The bill would take effect immediately as an urgency statute.

Ch. 1033 (AB 3636) N. Waters. Court personnel.

(1) Existing law prescribes the fee for reporting testimony and proceedings in contested cases, but authorizes the board of supervisors in specified counties to prescribe a higher rate of compensation for superior court reporters

This bill would authorize the Board of Supervisors of Alpine and Glenn Counties to prescribe a higher rate of compensation for superior court reporters.

(2) Existing law requires the Judicial Council to maintain records on the activities of court reporters in certain counties, and report thereon to the Legislature.

This bill would add Alpine and Glenn Counties to the counties involved

The bill also makes certain findings declaring that the subject of the bill requires legislative action affecting Alpine and Glenn Counties, and would make such provisions of the bill inseverable.

Ch. 1034 (SB 1972) Mello. Monterey County flood control.

Under existing law, noncontiguous territory may not be annexed to a zone of the Monterey County Flood Control and Water Conservation District.

This bill would delete the requirement that the annexed territory be contiguous except in the case of Zone 2 and Zone 2A of the district.

The bill would also permit the annexation of territory to a zone upon presentation of a petition for annexation without election signed by 100% of the owners of real property in the territory proposed to be annexed. The bill would make related changes.

Ch. 1035 (SB 1878) Presley. Local agencies.

(1) Under existing law, the powers of a community services district may include the collection, treatment, or disposal of sewage, waste, and storm water of the district and its inhabitants.

This bill would authorize the Lake Arrowhead Community Services District to provide for the collection, treatment, and disposal of sewage and waste water of inhabitants outside its boundaries, subject to specified conditions, including approval of the local agency formation commission and approval of the district electors. The bill would make legislative findings and declarations in this connection.

(2) Under existing law, contracts of the Bighorn Mountains Water Agency for any improvement or unit or work in excess of $5,000, or for materials and supplies in excess of $10,000, is generally required to be let to the lowest responsible bidder in accordance with prescribed procedures.

This bill would increase those amounts to $25,000

(3) Under existing law, the agency may fix and collect water standby or availability charges in accordance with prescribed procedures.

This bill would specify that no notice or hearing is required in any year in which there is no increase in the schedule or schedules of charges levied during the previous year, provided that the current schedule or schedules of charges levied are posted in a prominent place easily accessible to public view in the offices of the agency.

(4) Under existing law, the total aggregate amount of negotiable promissory notes issued by the agency outstanding at any one time may at least equal $50,000, but may not exceed the lesser of either $500,000 or 1% of the assessed valuation of the taxable property in the agency.

This bill would permit the total aggregate amount to be at least equal to $100,000.

Ch. 1036 (AB 2422) Ingalls. Public transportation: funding.

(1) Under the Mills-Alquist-Deddeh Act, an operator may not be allocated funds exceeding 50% of its budget after its 5th year of operation. Any operator which is serving an urbanized area, and which was not required to meet the 50% requirement during the 1978–79 fiscal year or which commenced operation after that fiscal year, is required to have a ratio of fare revenues to operating cost equal to at least ⅕ or to the ratio it had during the 1978–79 fiscal year, whichever is greater, in order to be eligible for funds for the 1980–81 fiscal year and thereafter. The operator is also required to maintain at least the ratio of the sum of fare revenues and local support to operating cost it had during the 1978–79 fiscal year if it exceeded ⅕. In the case of an operator serving a nonurbanized area, the required minimum ratio of fare revenues to operating cost is at least 1/10 For that service of an operator using vehicles provided exclusively for the elderly and handicapped, the required ratio is at least 1/10

This bill would authorize an operator providing the exclusive service and regular

scheduled public transportation services to receive funds under the act for the exclusive service if the combined services meet the above applicable requirements for nonexclusive service and do not fall below the requirements applicable to the regular scheduled services.

The bill would also require operators in counties which grew to over 500,000 population after the 1970 federal decennial census, as specified, to meet the required ⅓ ratio if serving an urbanized area and 1/10 if serving a nonurbanized area, and would permit the transportation planning agency to grant the operator time, but not later than July 1, 1985, to meet the required ratio if the operator is serving an area first designated as an urbanized area in the 1980 federal decennial census

(2) Under the act, funds are allocated from the Transportation Planning and Development Account in the State Transportation Fund to operators, and through transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board to operators, counties, and cities, for transportation purposes. An operator, or a county or city, would not be eligible for those funds if it is receiving from the local transportation fund less than the amount received during the prior fiscal year or during the 1979–80 fiscal year, whichever amount is greater.

This bill would delete the above condition regarding allocations ~~from the local transportation fund~~ [of those funds]*

Ch. 1037 (SB 1679) Garamendi. Work incentive program: sanctions.

(1) Under existing law, recipients of Aid to Families with Dependent Children (AFDC) are required to register with the Work Incentive Program (WIN) for manpower services, training, and employment as a condition for aid eligibility. Recipients who refuse to participate in the program without good cause are subject to the denial of aid. This sanction may not be imposed for up to 60 days after the decision to impose the sanction is made if the recipient accepts counseling and other necessary services aimed at persuading him to participate in the program.

This bill would also make AFDC recipients who refuse to participate in the Employment Preparation Program (EPP) without good cause subject to the denial of aid. Instead of the 60-day counseling period requirement, the bill would require the Employment Development Department to exhaust conciliation efforts within a specified period before issuing any notice of intended program deregistration. The bill would establish fixed periods for any denial of aid imposed because of a refusal to participate in WIN or EPP.

The bill would exempt from the registration requirement any individual who is working not less than 30 hours per week in unsubsidized employment which is expected to last at least 30 days

(2) Existing law requires AFDC applicants and recipients who are apparently eligible for unemployment insurance benefits to apply for and accept any unemployment insurance benefits for which they are eligible.

This bill, in addition, would require AFDC applicants and recipients who are exempt from work registration under the AFDC program but are apparently eligible for unemployment insurance benefits, to meet all the conditions of eligibility for the benefits.

Existing law provides for the Employment Training Program, in order to provide employment training for specified unemployed recipients of the Aid to Families with Dependent Children program.

Existing law provides that, for pilot projects established pursuant to this program, the maximum time that AFDC payments may be diverted to an employer for employment or on-the-job training shall be limited to the average length of time that an unemployed parent receives aid payments and that eligibility for employment and training services would be limited to unemployed parents who actively participated in job search assistance for at least four weeks and were unable to locate employment.

The bill would instead provide that an unemployed parent shall be eligible if the parent has actively participated in job search assistance provided by the Employment Development Department and that eligibility shall continue until completion of the employment or training services so long as the parent remains qualified for the AFDC program, as specified, but not to exceed a period of six months

The bill would also modify various reporting requirements provided for under the Employment Training Program

The bill would take effect immediately as an urgency statute.

Ch 1038 (SB 1297) Russell Health Insurance

Existing law provides that an insured under certain policies of group disability insurance has a right to have a converted policy issued to him or her by the insurer, subject to specified term or conditions. However, as an exception to that requirement, the insurer is not required to issue a converted policy covering a person who is covered by or eligible for hospital, medical, or surgical benefits under state or federal law.

This bill would eliminate that exception with respect to specified benefits under state or federal law and make related changes

The bill would also incorporate additional amendments contingent upon the prior enactment of SB 1486

The bill would take effect immediately as an urgency statute.

Ch. 1039 (SB 1906) Johnson. Cemeteries: public cemetery districts

Under existing law, a public cemetery district may bury a deceased nonresident who is not otherwise qualified for burial in a cemetery of the district if (1) the board of trustees of the cemetery district determine that the cemetery has adequate space for the forseeable future, (2) the deceased nonresident had been a resident or taxpayer of the district for a prescribed period of time, (3) the district has established an endowment care fund which requires at least a specified minimum deposit, (4) the district requires the payment of a prescribed nonresident fee, and (5) a written request is submitted by a resident or taxpayer of the district, other than a trustee or employee of the district and other than a funeral director or his or her employee.

This bill would authorize the Oroville Cemetery District to use a specified facility for the burial of any deceased nonresident of the district, for up to 100 interments, except that the district would also be authorized to bury a nonresident who is not otherwise qualified for burial in a cemetery of the district, upon the prior request of the deceased or a representative of the deceased person, if conditions (1), (3), and (4) of existing law are met.

Ch. 1040 (AB 3592) Alatorre. Podiatrists.

Existing law provides that on and after January 1, 1983, an applicant for a certificate to practice podiatric medicine must have completed one year of approved postgraduate podiatric training

This bill would provide that if an approved postgraduate podiatric surgical training residency was not available nationally for the applicant a one-year approved preceptorship may be substituted for the training until January 1, 1986.

Existing law requires that until January 1, 1984, in actions based upon the professional negligence of a physician and surgeon or dentist, on or before a complaint is served on any defendant, the plaintiff's attorney is required to file a certificate declaring that the attorney has consulted certain specialists and believes that there is merit to the claim, except in limited instances, including where the attorney intends to rely upon the doctrine of "res ipsa loquitur" or failure to inform of the consequences of a medical procedure. Failure to file the certificate is grounds for a demurrer to the complaint.

This bill would extend this requirement to actions based upon the professional negligence of podiatrists

Ch 1041 (AB 2920) Rogers. Airports: land use planning.

(1) Under existing law, in various counties containing an airport operated for the benefit of the general public and served by a certified air carrier, the county airport commission or other designated body is required to formulate a comprehensive land use plan that will provide for the orderly growth of each public airport and the area surrounding the airport and which will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. Each public agency having representation on the commission is required to file its land use plans and any changes with the commission for approval, except that the public agency may overrule the commission by a ⅔ vote of the governing body under certain circumstances.

Existing law also requires each city and county to adopt a general land use plan containing specified elements for the territory in its jurisdiction.

This bill would require that the general plan, and any applicable specific plan, of a city or county be consistent with the airport land use plan adopted by the county airport commission or other designated commission, unless by ⅔ vote, the governing body finds that the action is consistent with the purposes of airport land use law and overrides the commission. The bill would require the submission to the commission of proposed amendments to the general or specific plan, zoning ordinances or building regulations within the airport land use commission planning boundary or a modification of an airport master plan. However, ⅔ vote of the proposing body that finds its proposals consistent with the purposes of the airport land use law would override the commission. The bill would provide to the operator of a publicly owned airport immunity from liability for damages or personal injury caused by or resulting directly from the public agency decision to override the commission when the public agency does not operate the airport.

This bill would also add findings of a legislative purpose.

(2) Existing law empowers commissions to achieve by zoning, compatible land uses around airports.

This bill would revise this provision to, instead, authorize commissions to ensure that local agencies achieve compatible land uses around airports, to coordinate planning efforts, and to review any land use plan submitted to it for comment on compatibility.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 1042 (AB 3217) Wray. Department of Motor Vehicles drivers' licenses: identification cards

(1) Under existing law, the Department of Motor Vehicles is required to notify the Department of Education of the suspension or revocation of a qualified driver education and training instructor's license or of the placing of a driver education and training instructor on probation as a negligent operator. Existing law further provides that no reimbursements may be provided for students taught by an instructor while the instructor's driver's license is suspended or revoked, or while he or she is on probation as a negligent operator or is presumed to be a negligent operator pursuant to specified statute.

This bill would repeal those provisions

(2) Existing law requires that drivers' licenses issued by the Department of Motor Vehicles, among other things, contain the residence address of the licensee.

This bill would delete that requirement and instead require that the license contain the mailing address of the licensee, and would specifically require that every application for a driver's license include the applicant's mailing address.

(3) Existing law requires that the words "Senior Citizen" appear prominently, as to engraving, color, and size, on every identification card issued by the department to a senior citizen, as specified.

This bill would delete the requirement that the words "Senior Citizen" appear prominently, as to engraving, color, and size, on the identification card.

Ch 1043 (AB 3248) Lockyer. Youth employment.

Under the Youth Employment and Development Act of 1977, the Employment Development Department is required to conduct youth on-the-job training programs providing work experience in the private sector, youth community service programs designed to maintain public recreational and community facilities, and innovative demonstration projects to facilitate the transition of youth from school to work, including voucher

payment plans and basic education components. The act will remain in effect only until December 31, 1982.

This bill would extend the operation of the act to December 31, 1987, to the extent funds are appropriated for the act in the Budget Act. It would make permissive, rather than mandatory, the conduct of the above programs by the Employment Development Department. It would also authorize the department to conduct summer youth employment programs as specified. The bill would make various other technical and clarifying changes

Ch 1044 (AB 713) Marguth. Education: regional occupational centers and programs.

(1) Existing law authorizes a regional occupational center and program to budget and accumulate an amount, not to exceed 10% of its previous year's operating expenditures, for a general reserve to meet cash flow needs, and an amount, not to exceed 5% of its previous fiscal year's operating expenditures, for an appropriation for contingencies to meet unforeseen needs.

This bill would permit any regional occupational centers and programs to retain excess funds, not to exceed 15% of its previous fiscal year's expenditures, to be known as a general reserve, appropriation for contingencies and would permit centers and programs maintained by school districts or joint powers agencies, to retain excess funds for capital outlay expenditures or equipment replacement These funds would be available for appropriation only after a ⅔ vote of the governing body The capital outlay expenditures or equipment replacement reserve account would only be distributed after adoption of a resolution specifying its use

(2) Existing law provides that net ending balances for centers and programs in excess of 15%, excluding capital outlay balances accumulated through the regional occupational center and program restricted capital outlay tax, shall be deemed excessive, regardless of the year accumulated Existing law requires such excesses to be returned to the school districts, as specified. Any such amount returned to a school district reduces the district revenue limit, as specified, under existing law

Existing law also provides that in county-operated centers or programs, net ending balances in excess of 15% shall reduce the revenue limit of the county superintendent program, as specified

This bill would require any net ending balance of a regional occupational center and program general reserve and appropriation for contingencies reserve account in excess of the 15% be returned to the districts.

This bill would also authorize, for centers and programs maintained by school districts or joint powers agencies, the accumulation of more than 15% over a period of 2 or more given school years in the capital outlay expenditures or equipment replacement reserve account upon a resolution by the governing board specifying its use.

(3) This bill would take effect immediately as an urgency statute.

Ch. 1045 (AB 2350) Statham. Prisoners.

Existing law provides for employment of state prisoners in specified programs.

This bill would require the Department of General Services and the Department of Corrections to investigate the feasibility of establishing prison work programs to operate record storage and retrieval systems for appropriate departments of state government. It would require the Department of General Services and the Department of Corrections to prepare and submit a report of their findings to the Legislature no later than January 1, 1984.

The bill would also state legislative findings.

Ch. 1046 (AB 2399) Cortese Public employees.

Under existing law, a public entity is generally required to provide for the defense of an action or proceeding brought against an employee or former employee unless the act or omission was not within the scope of employment, the defense would create a conflict of interest, or the employee acted or failed to act because of actual fraud, corruption, or actual malice.

This bill would provide that a refusal to provide a defense of a civil action because of a conflict of interest shall be because of a a specific conflict of interest, as defined.

It would also provide that, if the employee requests a defense, through the public entity's legal counsel, in writing, the public entity shall respond within 20 days, except as to conflicts of interest which become apparent after that period

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1047 (AB 2525) Hannigan. Air pollution· crimes

Under existing law, any person who violates any law, order, rule, or regulation of the State Air Resources Board, an air pollution control district, or an air quality management district which relates to nonvehicular air pollution control is guilty of a misdemeanor

The bill would make the misdemeanor punishable by a fine of not more than $1,000, or imprisonment in the county jail for more than 6 months, or both.

Ch. 1048 (AB 2845) Rogers. Corrections.

Existing law does not require the Department of Corrections to notify local law enforcement agencies, or the victim of a crime of any release, community placement, or escape of an inmate.

This bill would require the department to send written notice of specified placements of an inmate to specific local law enforcement officials, and to the victim, if any, of the crime for which the inmate was convicted or next of kin of the victim if the crime was a homicide, if the victim or next of kin requests the notice, to the last address provided by the requesting party.

In the event of escape of the inmate, the department would be required to notify specific local law enforcement officials, and, if previously requested, the victim or next of kin, using the most reasonable and expedient means available.

Upon recapture of the inmate the department would be required to notify the same parties, within 30 days after regaining custody of the inmate.

The bill would authorize use of subpoena forms to notify a victim of the right to receive these notices.

Ch. 1049 (AB 1040) Levine. Campaign contributions.

Existing law under the provisions of the Political Reform Act of 1974, does not prohibit an elected or appointed officer, or alternate, or candidate for office, from accepting campaign contributions of $250 or more, from persons who have applications for licenses, permits, and other similar documents pending before any quasi-judicial body of which an elected officer is a member

This bill would so provide and prohibit an elected or appointed officer, or alternate, or candidate for office, as specified, from accepting a contribution of $250 or more, from such person until 3 months after a decision has been rendered It would provide for specific disclosure requirements and specify the boards and commissions to which the bill would apply, including providing that any person who actively supports or opposes a license, permit, or other entitlement for use pending before a specified quasi-judicial board or commission shall submit a statement to the board or commission disclosing any contributions of $250 or more made within the last 12 months by the person or his or her agent to any member, alternate, or candidate of that board or commission.

Ch. 1050 (AB 3192) Lewis. Financial institutions.

Existing law regulates the types of investments a bank, savings and loan association, credit union, and industrial loan company may make and the types of securities which

these financial institutions may issue.

This bill would provide that commercial banks, savings and loan associations, credit unions, and industrial loan companies may organize, sponsor, operate, control, or render investment advice to, an investment company and may also underwrite, distribute, or sell securities of any investment company which has qualified under the Corporate Securities Law to sell its securities in this state, if the officers and employees of these financial institutions meet standards with respect to training, experience and sales practices as established by the Secretary of the Business, Transportation and Housing Agency or the secretary's designee

The bill would also provide that a financial institution which undertakes such activities with respect to an investment company is not subject to the licensure requirements which apply to broker-dealers and investment advisers under the Corporate Securities Law.

This bill would define an investment company in the same manner as defined in the federal Investment Company Act of 1940.

This bill would become operative on the effective date of federal legislation which contains identical provisions, or substantially similar provisions to this act as determined by the Secretary of the Business, Transportation and Housing Agency, or on July 1, 1984, whichever occurs first

Ch. 1051 (AB 2384) Moore. Adoption and foster care priorities

Existing law does not establish criteria for the use of ethnic background as a factor in determining placement of a child who is being considered for placement in foster care or for adoption

The bill would authorize the Department of Social Services to adopt regulations setting priorities for the placement of children for adoption and in foster care that reflect consideration of the racial background, ethnic heritage, religion, cultural heritage of a child, and geographic proximity, as specified

Ch. 1052 (AB 3659) Floyd. County superintendents of schools. legal services.

Existing law authorizes a county board of education and the county board of supervisors to enter into an agreement, in a specified manner, providing for legal services to be provided by the county counsel Existing law specifies that upon the execution of an agreement for county counsel legal services, the maximum allowable tax rate available to a fiscally independent county superintendent of schools shall be increased by the rate at which the county levied and collected a tax sufficient to pay for the expenditures of the county counsel's office in providing legal services during the fiscal year preceding the effective date of the agreement, and specifies that the maximum general purpose tax rate of the county shall be reduced by the same amount.

This bill would specify that an agreement for county counsel legal services in a county of the second class may be terminated by either party. (1) at any time if an increase in the maximum allowable tax rate available to a fiscally independent county superintendent of schools to pay for county counsel legal services is precluded by the operation of law or for any other reason, or (2) at any time prior to and effective on June 30 of any fiscal year during the term of the agreement.

This bill would be repealed on January 1, 1984.

Ch. 1053 (AB 3230) Sher. Health services

Existing law provides for various programs which are administered by the State Department of Health Services.

This bill would require the department to develop a proposal for consolidating at the state level specified programs affecting the health of mothers and minors in order to consider administrative cost savings that may result as a result of the consolidation. The bill would also require the department, in developing the proposal, to consult with the State Maternal Child and Adolescent Health Board, the California Conference of Health Officers, the County Supervisors Association of California, the Primary Care Clinics Advisory Committee, and other organizations interested in health services for women and children, as determined by the department. The bill would state the intent of the Legislature that existing staff resources be used for these programs, and that no additional funding be provided other than that appropriated in the Budget Act.

Ch 1054 (SB 1874) Dills. Waste. solid waste management.

(1) The Solid Waste Management Act of 1980 provides for a litter control, recycling, and resource recovery plan, and the Solid Waste Management and Resource Recovery Act of 1972 establishes a solid waste management and resource recovery program.

This bill would repeal those provisions of the Solid Waste Management Act of 1980 which concern the administration of grants and loans from the Solid Waste Management Fund. The bill would also establish specified requirements for the disbursement of funds to projects and activities implemented under the Solid Waste Management and Resource Recovery Act of 1972, including, among other things, a requirement that the board, to the maximum extent feasible, award state financial assistance to those projects and activities which can demonstrate a commitment of matching funds by the proponent and long-term economic viability.

(2) Existing law requires litter receptacles placed by any state or local agency in public places to meet minimum standards established by the State Solid Waste Management Board Existing law also requires the board to establish requirements for the design, production, and distribution of litter bags, as specified

This bill would delete those provisions

(3) The bill would make conforming changes and would make a declaration of the intent of the Legislature to continue recycling activities

(4) The bill would require that moneys appropriated by the 1982 Budget Act for the operating expenses and equipment of the board be expended in accordance with the provisions of this act concerning the disbursement of funds from the Solid Waste Management Fund for projects and activities

(5) The bill would take effect immediately as an urgency statute.

Ch. 1055 (SB 1474) Mello. State highways: excess real property. Soledad.

Under existing law, the Department of Transportation is required to sell or exchange real property acquired for state highway purposes, but which is no longer required for those purposes, within one year from the date that the property is determined to be excess

This bill would authorize the department to offer the old maintenance station site in the City of Soledad and a parcel of property with a maintenance foreman's house and shed for sale to the City of Soledad at less than fair market value, as specified. The bill would state findings and declarations of the Legislature with respect to the original acquisition of the land by the department.

Ch. 1056 (AB 3392) D. Stirling. Parole hearings.

Existing law provides that the Board of Prison Terms give at least 30 days' notice of any hearing to set, postpone, or rescind a parole release date of a prisoner under a life sentence to the prosecutor of the county from which the prisoner was committed

This bill would also provide for notice to the Attorney General

Ch. 1057 (AB 3336) Ryan Personal services contracts

The California Constitution establishes a state civil service system which, with limited exceptions, includes every officer and employee of the state. In addition, court decisions have held that state agencies may enter into contracts with persons outside the civil service system under certain circumstances.

This bill would establish standards for the use of personal service contracts outside the civil service system, provided the contracting would achieve cost savings, as defined, or when certain conditions, as specified, can be met

This bill, in addition, would include provisions, as specified, concerning notification to, and review of these contracts by, the State Personnel Board.

Ch 1058 (AB 3296) N Waters Timber taxation

Existing law provides for the special assessment of timberland for purposes of property taxation, and imposes a yield tax on timber owners at a specified rate, subject to annual adjustment by the State Board of Equalization, of the total immediate harvest value of timber. Operative until December 31, 1982, a timber reserve fund tax is also imposed on timber owners at a rate established by the board necessary to produce an amount to cover previous deficient allocations to local taxing agencies and any shortfall in annual yield tax revenue guarantee payments to taxing agencies in the subsequent calendar year. State revenues derived from the yield and reserve fund taxes are continuously appropriated for refunds, certain administrative costs, and for allocation to counties in

accordance with each county's "annual yield tax revenue guarantee"

This bill would delete all provisions relating to the timber reserve fund tax.

This bill would revise the method of allocating yield tax revenues to counties by a phaseout of the annual yield tax revenue guarantees and a corresponding phase-in of an allocation which takes into account the annual yield tax revenue obtained from each county receiving allocations This revision would affect the continuous appropriation of yield tax revenues for local subvention.

Existing law makes no provision for the calculation of annual yield tax revenue guarantees in determining base fiscal year revenues of, and state apportionments to, community college districts.

This bill would declare the Legislature's intent that timber yield tax minimum revenue guarantees be included in the determination of base fiscal year revenues for each community college district and that yield tax revenues be considered local revenues in the determination of state apportionments to community college districts for fiscal years 1983–84 and thereafter.

Ch. 1059 (AB 3274) D Brown Eminent domain

Existing law requires a public entity, prior to negotiating for the acquisition of real property, to establish an amount which it believes to be just compensation therefor and to make an offer to acquire the property for that amount, but does not specify whether, if the public entity contemplates exercising the power of eminent domain, the offer is to be made prior to the adoption of a resolution of necessity, which resolution is a prerequisite to the exercise of that power. The amount of the offer creates no rights or liabilities if not accepted.

This bill would require the above-described offer to be made prior to the adoption of a resolution of necessity by the public entity, would require the resolution of necessity to contain a declaration that the governing body of the public entity has found and determined that the offer has been made, except as otherwise specified; and would require the court, in specified circumstances, to consider the final offer of compensation in determining the amount of litigation expenses to be awarded to the defendant if timely made, if the court finds upon the defendant's motion that the offer of the plaintiff was unreasonable and the defendant's demand was reasonable viewed in the light of the evidence admitted and compensation awarded.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1060 (SB 1482) Doolittle. Infectious waste control

(1) Under existing law, there are provisions for regulating the use, handling, and disposal for the control of hazardous waste, including infectious waste. Current law defines "infectious waste."

This bill would delete the current definition of "infectious" and instead would define "infectious waste"

This bill would require the State Department of Health Services to develop and adopt emergency regulations for the management of infectious waste as hazardous waste within 90 days of the effective date of the provisions enacted by this bill.

(2) This bill would take effect immediately as an urgency statute.

Ch. 1061 (AB 834) Wyman. In-lieu filing fee petition.

Under existing law, a candidate for public office may, instead of submitting the appropriate filing fee as a condition to appearing on a ballot, submit an in-lieu filing fee petition to the clerk containing a prescribed number of signatures. The signatures must be verified by the clerk.

This bill would allow a clerk, if the number of signatures appearing on a petition are 100 or more, to use a random sampling technique for purposes of verifying the signatures

Ch. 1062 (SB 1307) Holmdahl. Toll bridges. Dumbarton Bridge: high occupancy lanes.

Existing law authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize or permit exclusive or preferential lanes for high-occupancy vehicles, but requires that competent engineering estimates of the effect of the lanes on safety, congestion, and highway capacity be made prior to establishment of those lanes.

This bill would prohibit the department from establishing high-occupancy vehicle lanes, as defined, on the new Dumbarton Bridge and its approaches, as defined, with specified exceptions.

The bill would take effect immediately as an urgency statute

Ch 1063 (AB 2817) Vicencia. Dairy equipment: markings.

(1) Existing law authorizes any person or legal entity that is engaged in receiving, manufacturing, packing, canning, bottling, handling, or selling milk or any product of milk in containers, cabinets, or other dairy equipment which is generally marked with an identifying word or symbol, to file with the Department of Food and Agriculture a description of that word or symbol and an application for registration of it as a brand A person that finds or receives an object of dairy equipment displaying a brand is required to return it to the registered owner within 7 days or to notify the Director of Food and Agriculture within 7 days. It is a misdemeanor for any person to use an object of dairy equipment displaying a brand, except for the registrant of that brand, without written consent, as specified.

This bill would do the following.

(a) Repeal the 7-day time period provision in which a person finding or receiving a branded container is required to return the container to its registrant or to notify the director

(b) Define "unauthorized persons" for the purpose of establishing whether a person is rightfully in possession of a branded container, cabinet, or other dairy equipment A person in possession of this equipment would be classified as unauthorized unless that person notifies the registrant or the director as stated above, has the consent of the brand registrant, is the brand registrant, is the owner of the equipment, or has lawfully obtained temporary custody of the branded container

(c) Make the possession or the use by an unauthorized person, as defined, of a branded container, cabinets, or other dairy equipment, or the obliteration or destruction of the brand on these articles by an unauthorized person, either a misdemeanor or a felony, depending on the value of the article.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1064 (AB 2380) Thurman. Animals. estrays, cattle

(1) Existing statutory law does not define the term "estray."

This bill would state that, for specified purposes, "estray" means any impounded or seized bovine animal, horse, mule, sheep, swine, or burro whose owner is unknown or cannot be located.

(2) Existing law requires the Director of Food and Agriculture to post a notice for 3 weeks in each office of the Bureau of Livestock Identification when an estray estimated to be worth over $125 has been taken up and the owner has not been found and, in addition, periodically publish a list of the brands and descriptions of the branded animals in a livestock industry publication in general circulation

This bill would shorten the posting period to 14 days and increase the estimated value of an estray required to be posted to an amount over $225 The bill would also require the director to publish descriptions of the unbranded animals

(3) Under existing law, any person that claims ownership in the estray may, at any time, but not later than 30 days after the first posting of notice, file his or her proofs of ownership with the director

This bill would shorten the time in which the proofs of ownership may be filed to 14

days

(4) The bill would make other related changes in the laws relating to estrays.

(5) Under existing law, the owner of a recorded brand may, on or before April 30th of any year, pay in advance to the bureau a sum which is a multiple of $15 The payment, which is credited to the Department of Food and Agriculture Fund, a continuously appropriated fund, entitles the owner to use the brand for any number of years, but not to exceed 10 years, at the rate of $15 per year.

This bill would increase the brand recording and renewal fee to $25, thus making an appropriation from the Department of Food and Agriculture Fund.

Ch 1065 (AB 2943) Bosco. Schools· loss of average daily attendance

Existing law authorizes a school district to add to its revenue limit in the current fiscal year certain estimated losses of average daily attendance, as prescribed, but any loss of average daily attendance due to district reorganization is excluded Existing law has been construed administratively to exclude any loss of average daily attendance in a high school district due to the transfer of a portion of its junior high school program to another district.

This bill would provide for the recomputation of the revenue limit of any high school district whose revenue limit was recomputed for the education of 7th and 8th grade pupils and which has a component elementary school district that voted to withdraw its 7th and 8th grade program from the high school district effective in the 1982–83 fiscal year, or any fiscal year thereafter, as specified

This bill would be deemed operative for the entire 1982–83 fiscal year

The provisions of the bill would be repealed on January 1, 1985

Ch 1066 (SB 2024) Maddy Insurance: group disability policies.

Existing law authorizes group disability policies to provide, among other things, that the benefits payable thereunder are subject to reduction if the individual insured has any other coverage, other than individual policies or contracts, providing hospital, surgical or medical benefits, whether on an indemnity basis or a provision of service basis, resulting in the insured being eligible for more than 100% of the covered expenses.

This bill would make the above provisions applicable to all employers, labor-management trustee plans, union welfare plans, employer organization plans or employee benefit organization plans, health care service plan contracts, pursuant to regulations adopted by the Commissioner of Corporations which shall be uniform with those issued in accordance with specified provisions for those plans that elect to coordinate benefits, group practice, individual practice and any other prepayment coverage for medical or dental care or treatment, as specified, whenever the plan, contract or practice provides hospital, surgical, medical or dental benefits to employees or agents who are also covered under one or more additional group disability policies or health care service plans.

[Existing law provides, with specified exceptions, that no group or individual disability insurance policy or service contract issued by a nonporofit hospital service plan shall limit payment of benefits by reason of the existence of other insurance or service coverage]*

[This bill would, as an additional exception to the above, except group practice prepayment plan contracts which do not provide for coordination of benefits, to the extent they provide for a reduction of benefits on account of other converage with respect to emergency services that are not obtained from providers that contract with the plan]*

Existing law provides that, except for specified provisions, the Insurance Code is not applicable to certain benefit and relief associations

This bill would make its provisions applicable to those associations

Ch 1067 (SB 1399) Alquist Energy surcharges.

Under the Energy Surcharge Law, a surcharge is imposed on the consumption in this state of electric energy at a specified rate or at a rate fixed, on a periodic basis, by the State Board of Equalization within prescribed limits

This bill would establish a fixed surcharge rate, on and after July 1, 1983, as the rate fixed by the board which is in effect on that date This bill would repeal as of July 1, 1983, the provisions of the Energy Surcharge Law relating to the board's periodic establishment of the rate

Under the Energy Surcharge Law, all amounts required to be paid under that law are deposited in the Energy Resources Surcharge Fund, from which fund moneys may be withdrawn for the payment of refunds, with the balance transferable to the State Energy Resources Conservation and Development Special Account in the General Fund.

This bill would rename the special account the Energy Resources Programs Account and would express legislative intent regarding the use of the funds in that account.

The bill would also abolish the State Energy Resources Conservation and Development Reserve Account in the General Fund and would transfer all funds in that account to the programs account

The bill would become operative on July 1, 1983

Ch. 1068 (SB 873) Keene. Tidelands. City of Eureka.

Under existing law, the City of Eureka is required to deposit into the Humboldt Bay Fund all moneys received directly from, or indirectly attributable to, tide and submerged lands granted to the city Moneys in the fund may be expended by the city for the purposes for which revenues from certain tide and submerged lands granted to the city may be expended

Existing law appropriates $750,000 of the Long Beach oil and dry gas revenues payable to the state during the 1978–79 fiscal year for payment by the Controller into the Humboldt Bay Fund in the following amounts· $250,000 during the 1978–79 fiscal year and an annual sum, first payable in that fiscal year, that is equal to 50% of the sum expended by the city during each fiscal year in the prosecution or defense of any action involving title to, or the boundaries of, tide and submerged lands along the Humboldt Bay waterfront granted to the city

Prior to June 30 of each year, the city is required to pay to the Controller an annual sum that is 15% of the amount of the money deposited by the city into the fund during the preceding fiscal year, after deducting from the fund principal and interest payments required by a specified revenue bond issue and excluding moneys received by the city pursuant to the foregoing appropriation

This bill would provide for any remaining funds of that appropriation in excess of the sum of $200,000 which have not been so paid by the Controller into the Humboldt Bay Fund to revert to the status of Long Beach oil and dry gas revenues payable to the state The bill would provide for the city to receive a credit against the amount annually required to be paid by the city to the Controller for the amount of funds so reverted from the appropriation

Ch 1069 (AB 3185) Katz Campaign reports filing

Under existing law, elected officers whose salaries are less than $100 a month and judges are exempt from filing certain campaign statements unless such officer or judge is a candidate or committee which receives contributions or makes an expenditure during a 6-month period

This bill would provide that the exemption does not apply if the officer or judge is a candidate or committee which makes contributions as well as receives contributions during the applicable 6-month period.

This bill would also exempt controlled committees and committees supporting or opposing ballot measures from certain filing requirements during certain threshold periods when the ballot measure is not to be voted on

The Political Reform Act of 1974 contains a provision which specifies where campaign committees formed or existing primarily to support or oppose elected officers, candidates, or ballot measures are required to file their campaign reports

This bill clarifies that provision and exempts specified contributions or expenditures of less than $100

Ch. 1070 (AB 2627) Hart Postsecondary education. student residency.

Existing law requires the governing boards of the University of California, the California State University, the California Maritime Academy, and the governing boards of community college districts to adopt rules and regulations regarding a student's classification as a resident or nonresident for purposes of the payment of student fees and nonresident tuition Existing law specifies that the adopted rules and regulations shall include provisions requiring that the financial independence of a student seeking reclas-

sification as a resident, as defined, shall be included among the factors to be considered in the determination of residency.

This bill would specify that the adopted rules and regulations shall, beginning in the 1983–84 school year, exempt nonresident students who have been appointed to serve as graduate student teaching assistants, graduate student research assistants, or graduate student teaching associates on any campus of the University of California or the California State University, and who have been employed on a 0.49 or more time basis, from the requirement of demonstrating his or her financial independence for purposes of reclassification as a resident

Ch. 1071 (AB 2635) Farr. Family law: visitation

Under existing law, in a proceeding under the Family Law Act for a declaration of the nullity of a marriage or the dissolution of a marriage, or for a legal separation, the court does not have jurisdiction to make an order awarding visitation rights to a person who is a party to the marriage that is the subject of the proceeding, with respect to a minor child of the other party.

This bill would establish that jurisdiction, as specified The court would be required to set the matter of visitation rights for mediation to attempt to effect a settlement of the issue of visitation rights of all parties. If no settlement is reached, the matter of visitation rights would be determined by the court, upon a noticed hearing. The bill would provide that the visitation rights of a stepparent shall not conflict with any visitation or custodial right of a natural or adoptive parent who is not a party to the proceeding.

Existing law provides that the superior court may increase, for the support of the family conciliation court or for conciliation and mediation services, the fee for filing certain petitions by an amount not to exceed $15

This bill would increase the maximum amount by which those fees may be increased from $15 to $17

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1072 (AB 2856) Lancaster Unemployment insurance federal conformity

(1) Existing law requires the Employment Development Department to withhold a portion of unemployment insurance benefits owing to a noncustodial parent of a recipient of aid to families with dependent children and to forward the amounts withheld to the State Department of Social Services for reimbursement of the AFDC program pursuant to federal law

This bill would expressly authorize the Employment Development Department to withhold 25% of each weekly unemployment compensation payment owing to an individual in order to enforce the individual's child support obligations to the extent required by federal law. It would specify a procedure for the withholding and the forwarding of amounts withheld to the State Department of Social Services.

(2) Under existing law, federal-state extended benefits are payable for an additional 13 weeks to unemployed workers who have exhausted their regular 26-week unemployment insurance claim. These benefits are available only when the insured unemployment rate in this state is 5% or more.

This bill would change the trigger for determining when these benefits are available.

(3) Under existing law, eligibility standards for federal-state extended benefits are the same as those for regular unemployment compensation benefits

This bill would require an unemployed worker to have received base period earnings exceeding 40 times his or her most recent weekly regular unemployment compensation benefit amount in order to be eligible for the federal-state extended benefits.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would also appropriate $160,000 from the General Fund and $481,000 from the Federal Trust Fund to the State Department of Social Services in augmentation of specified items in the Budget Act of 1982

The bill would take effect immediately as an urgency statute.

Ch 1073 (AB 2901) Martinez Unemployment insurance.

(1) Existing law provides that an individual is disqualified for unemployment compensation benefits if he or she left his or her most recent work voluntarily without good cause

This bill would provide that an individual may be deemed to have left his or her most recent work with good cause if he or she leaves employment to accompany his or her spouse to a place from which it is impractical to commute, and would specify the intent of the Legislature in this regard.

(2) Existing law establishes a range of weekly benefit amounts payable under the unemployment compensation law from a minimum of $30 to a maximum of $136 The amount payable to an individual depends on the amount of wages paid to the individual during the quarter of his or her base period in which his or her wages were highest.

This bill would increase from $136 to $156 the maximum weekly benefit amount payable under the unemployment compensation law for claims filed on and after January 1, 1983.

(3) Existing federal law requires a state unemployment insurance law to conform to specified federal requirements in order for employers in the state to become entitled to a credit upon the tax otherwise imposed by federal law for unemployment insurance, and in order for the state and its employers to be entitled to federal financial assistance The state unemployment insurance law includes the provision of state extended duration benefits and federal-state extended benefits during periods of high unemployment to workers who have exhausted their regular unemployment insurance benefits.

This bill would make state extended duration benefits available when the insured unemployment rate is 6% or greater and regular benefits are exhausted and federal-state extended benefits are not available It would change the standards of eligibility for state extended duration benefits, and make changes in the state law governing federal-state extended benefits in order to conform the state law to recent changes in the federal requirements

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(5) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

(6) This bill would provide that provisions of the bill amending specified sections of the Unemployment Insurance Code relating to extended duration benefits shall not become operative if AB 2856 takes effect and amends the same sections It would further provide that provisions of the bill increasing the maximum weekly benefit amount payable under the unemployment compensation law shall not become operative if AB 3154 takes effect and increases the maximum weekly benefit amount to an amount higher than that provided by this bill

Ch 1074 (AB 3461) Johnston. Employment Training Panel.

Existing law does not provide for an Employment Training Panel or an Employment Training Fund.

This bill would establish the Employment Training Panel in the Employment Development Department consisting of 7 members appointed by the Speaker of the Assembly, the President pro Tempore of the Senate, and the Governor, for 2-year staggered terms. The panel would allocate money in the Employment Training Fund, which would be appropriated annually in the Budget Act for the purposes of this bill

This bill would permit the panel to meet as necessary and designate local review panels to review and recommend proposals to the panel for final approval, would require the panel to perform specified duties, and would specify the purposes for which the panel would be permitted to allocate money from the fund.

This bill would permit the panel to employ necessary personnel, and would require the Employment Development Department to develop and maintain a specified history of program participants and unemployment insurance claimants, and to cooperate with the panel by offering necessary technical assistance. It would require the Department of Economic and Business Development to provide specified technical assistance to the panel

This bill would require the Legislative Analyst to report to the Legislature not later than May 1, 1984, and each May 1 thereafter, on the performance and the cost effectiveness of the program provided by the bill.

This bill would remain in effect only until January 1, 1987, unless a later enacted statute deletes or extends that date.

This bill would not become operative unless AB 3154 is enacted and becomes operative on or before January 1, 1983.

Ch. 1075 (AB 3154) McAlister Unemployment Fund· employer contributions.

(1) Existing law establishes a range of weekly benefit amounts payable under the unemployment compensation law from a minimum of $30 to a maximum of $136. The amount payable to an individual depends on the amount of wages paid to the individual during the quarter of his or her base period in which his or her wages were highest.

This bill would increase from $136 to $166 the maximum weekly benefit amount payable under the unemployment compensation law for claims filed on and after January 1, 1983

(2) Existing law provides that remuneration paid to an individual by an employer during any calendar year is not included as wages for unemployment insurance purposes if the amount paid exceeds $6,000 for a calendar year when the total revenues of the Unemployment Fund are equal to or exceed the total disbursements of the fund for the prior year, or if the amount paid exceeds $7,000 for a calendar year when the total disbursements of the fund exceed total revenues of the fund for the prior year

This bill would instead provide that this remuneration is not included as wages if the amount paid exceeds $6,000 for a calendar year when the balance in the fund on June 30th of the prior year equals or exceeds 1.5% of the wages paid subject to the unemployment insurance law during the prior year, or if the amount paid exceeds $7,000 for a calendar year when the balance in the fund on June 30th of the prior year is less than 1.5% of the wages paid subject to the unemployment insurance law during the prior year

The bill would further provide that, notwithstanding the above, wages include amounts up to $7,000 for a calendar year if amounts up to $7,000 for a calendar year are included as wages for purposes of the Federal Unemployment Tax Act

(3) Existing law requires every employer, with specified exceptions, to pay contributions to the balancing account in the Unemployment Fund at specified rates The balancing account is charged with negative reserve balances in employer reserve accounts, regular benefit payments not chargeable to employer reserve accounts, extended duration benefit payments, federal-state extended duration benefits payments, and other items of expense and benefit charges not included in active employer reserve accounts

This bill would repeal this balancing account tax and the balancing account provisions and charge the costs specified above to the employer reserve accounts within the Unemployment Fund in a specified manner. The bill also would credit the employer reserve accounts with interest earned from the Unemployment Fund

This bill would require the employer, until January 1, 1987, to pay into the Employ-

ment Training Fund established by the bill contributions at the rate equal to 1/10 of 1% of total wages to be used for an employment training program proposed by AB 3461. The bill would provide that this new tax shall not apply to any employer who has a negative reserve account balance on the computation date.

(4) Under existing law, the rate of employer contributions to the Unemployment Fund for purposes of funding unemployment compensation benefits during a calendar year depends on the amount of the balance in the fund as determined on December 31st of the preceding calendar year. If the amount of the balance is less than 2.5% of covered wages paid during a specified previous 12-month period, a specified high schedule of contribution rates applies to the calendar year If the amount of the balance equals or exceeds 2.5%, a specified low schedule applies.

This bill would change the computation date to June 30th of the preceding calendar year, and provide that the high schedule of contribution rates shall only take effect when the amount of the balance is less than 1 7% of specified wages. The schedule in effect during the previous year would remain in effect if the percentage is 1 7% or greater, but less than 1.9% The bill would also increase the rates within the specified high schedule of contribution rates and the specified low schedule of contribution rates. It would decrease the rates within both schedules if amounts up to $7,000 paid to individuals by employers during a calendar year are included as wages for purposes of the Federal Unemployment Tax Act.

(5) Existing law provides that no employer shall be eligible for a contribution rate of more or less than 2 7% of wages paid for any rating period unless his reserve account has been subject to benefit charges during a specified period

This bill would increase the percentage to 3.4%.

(6) Existing law authorizes the Director of Employment Development to make any necessary revisions in the employer contribution rate schedule at any time during the calendar year in which the schedule is in effect

This bill would repeal this authority

(7) This bill would specify the employer tax schedule which would apply to the calendar year 1983.

(8) This bill would provide that on the computation date each year, the amount each employer's net balance of reserve is more negative than 12% of the employer's base payroll shall be canceled from the employer's reserve balance

(9) This bill would require the Employment Development Department to report to the Legislature on or before July 1, 1985, and again on or before July 1, 1986, on the cost and effect of the changes in law made by the bill.

(10) This bill would provide that the bill would not become operative unless AB 2901 and AB 3461 are enacted and become operative on or before January 1, 1983. It would also provide that AB 3461 shall not become operative unless AB 2901 is enacted and becomes operative on or before January 1, 1983

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(12) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code and except as specified, this act does not contain a repealer, as required by that section, therefore, the provisions of the act, except as specified, would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1076 (AB 2007) Rosenthal Automobile liability insurance rates.

Existing law prohibits admitted insurers issuing motor vehicle liability policies from discriminating against persons on the basis of race, color, religion, language, national origin, ancestry, or location within a geographic area, as defined

This bill, to be known as the "Rosenthal-Robbins Auto Insurance Nondiscrimination Law," would, in addition, prohibit such admitted insurers from discriminating on the

basis of a person's specific occupation, except that an insurer would be authorized to consider the occupation of the applicant or insured as a condition or risk for which a higher rate or discounted rate may be required or offered for coverage in the course and scope of his or her occupation and to charge a deviated rate to any classification of risks involving a specific occupation, or grouping thereof, if the rate meets specific requirements, and is based upon actuarial data which demonstrates a significant actual historical differential between past losses or expenses attributable to the specific occupation, as indicated, or grouping thereof, and the past losses or expenses attributable to other classification of risks It would specifically not limit or restrict the ability of an insurer to refuse to accept an application for or refuse to issue or cancel such insurance for the reason that it is a commercial vehicle or based upon the consideration of a vehicle's size, weight, design or intended use

The bill would also specify legislative intent with regard to examination of actuarial data by the Insurance Commissioner

Ch 1077 (AB 2477) Agnos. Workers' compensation. asbestos workers.

Existing law provides that an asbestos worker injured as a result of asbestosis who makes a claim for workers' compensation may seek the payment of workers' compensation temporary disability and medical benefits from the Asbestos Workers' Account if the responsible employer cannot be located or fails to provide workers' compensation within 30 days. Among other things, the claimant must submit to an independent medical examination.

This bill would permit the asbestos worker, or the dependents of the asbestos worker in the case of his or her death due to asbestosis, to seek the payment of workers' compensation temporary total disability benefits, permanent total disability benefits, death benefits, and medical benefits from the Asbestos Workers' Account. It would exempt the claimant from the independent medical examination requirement if there exists adequate medical evidence that the claimant developed asbestosis from the employment.

This bill would also prohibit the benefits provided by the Asbestos Worker's Account from being commuted to a lump-sum payment, and would require the death benefit to be paid in installments in the same manner and amounts as temporary disability indemnity

This bill would take effect immediately as an urgency statute.

Ch 1078 (SB 1573) Beverly Gill nets

(1) Existing law, until September 14, 1982, requires every person operating under a fish packing and processing license to pay an additional privilege tax of 1¢ for each pound, or fraction thereof, of thresher shark or bonito shark purchased, received, or taken The funds generated from this tax are expended solely for the purpose of a specified study by the Department of Fish and Game on the drift gill net shark fishery to be reported to the Legislature on or before January 1, 1983, and for the purpose of monitoring drift gill net fishing operations.

This bill would, until January 1, 1985, continue the additional tax, and require that the funds generated from the tax shall be expended solely for the administration of the drift gill net permit process enacted in this bill and a study of the fishery to be reported to the Legislature on or before January 1, 1985. The continuation of this tax would result in revenue flowing to the Fish and Game Preservation Fund, a continuously appropriated fund, thereby resulting in an appropriation. The bill would also authorize the Fish and Game Commission to revoke or suspend a fish packing and processing license under a specified circumstance, relating to reporting shark or swordfish landings

(2) Existing law provides, until September 14, 1982, for a permit process for the commercial taking of shark by the use of drift gill nets

This bill would, beginning on January 1, 1983, enact a new permit process, until January 1, 1988, for the commercial taking of shark and swordfish by the use of drift gill nets, including regulation of the size and composition of the net mesh, recordkeeping requirements for the permittees, eligible categories of permittees, limitation on the number of permits issued, the hours during which the nets may be used, locations at which the nets shall not be used, and provisions for closing the drift gill net shark and swordfish fishery and the swordfish harpoon fishery under specified conditions Speci-

fied fees for the permits would be imposed resulting in revenue flowing to the Fish and Game Preservation Fund, a continuously appropriated fund, thereby resulting in appropriation.

(3) Existing law, until September 14, 1982, requires that any marlin caught in a drift gill net be turned over to the department at the first opportunity. In no case may any marlin so taken be retained by the drift gill net permitholder for personal or commercial use.

This bill would continue to prohibit any person operating under a drift gill net permit from selling or possessing for sale or personal use any marlin If a marlin is taken incidentally, the permittee would be required to notify the department immediately that the fish is on the boat. A marlin taken in this manner could not be removed from the boat except for delivery to the department

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(5) The bill would take effect immediately as an urgency statute.

Ch 1079 (AB 2512) Bosco. Gill nets· salmon, steelhead, striped bass.

(1) Under existing law, gill nets may not be used to take salmon, steelhead, or striped bass, and it is unlawful to sell or possess for sale any salmon, steelhead, or striped bass which were taken in California waters by the use of a gill net. The maximum penalty for the violation of these provisions is a fine of $5,000, or imprisonment in the state prison, or the county jail for a period not to exceed one year, or both that fine and imprisonment.

This bill would also make it unlawful to knowingly purchase any salmon, steelhead, or striped bass which were taken in California waters by the use of a gill net. The bill would extend this maximum penalty to the revocation of any wholesale fish dealers license issued pursuant to designated provisions and would make this maximum penalty applicable to any such violation. The bill would apply this maximum penalty only if the value of the fish involved, determined as prescribed, exceeds $400. If the value does not exceed $400, the maximum penalty would be a fine of $500 or imprisonment in the county jail for 6 months, or both

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1080 (SB 1527) Robbins. Unemployment insurance records: confidentiality.

Existing law provides that information obtained in the administration of the unemployment insurance law is confidential and may only be used for purposes directly connected with the administration of unemployment insurance, public social services, or general relief or assistance.

This bill would expressly permit this information to be used for purposes directly connected with the administration of locally provided medical assistance services.

Ch 1081 (AB 3055) Berman State employer-employee relations

(1) Existing law includes as a state employee, for purposes of the State Employer-Employee Relations Act (SEERA), among others, any civil service employee of the state, with specified exceptions.

This bill would specify that employees of the Department of Personnel Administration are not state employees for purposes of the SEERA, and would include these employees under other more limited provisions governing employer-employee relations of certain specified state employees

(2) Existing law permits state officers and employees to authorize deductions from

their salaries or wages for the payment of, among other things, dues in any bona fide association, as defined

This bill would require a bona fide association to be registered with the state employer in order for state officers and employees to authorize these deductions.

This bill would also require the state employer to adopt reasonable rules and regulations for the registering of bona fide associations, as defined, and for determining the status of these associations and identifying their officers and representatives

(3) Existing provisions of the SEERA require the Governor, or his representative, to meet and confer regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations representing state employees, and to consider fully the presentations made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action. If agreement is reached, they are required to jointly prepare a written memorandum of understanding which shall be presented, when appropriate, to the Legislature for determination.

This bill would, in addition, provide that either party may reopen negotiations on all or part of the entire memorandum of understanding if the Legislature does not approve or fully fund any provision of the memorandum of understanding which requires the expenditure of funds.

(4) This bill would incorporate additional changes in Section 3513 of the Government Code proposed by AB 3313 and SB 1419, to be effective only if AB 3313, or SB 1419, or both, and this bill are chaptered and become effective on January 1, 1983, and this bill is chaptered last.

Ch 1082 (AB 2591) Roos. Loans.

Under existing provisions of the California Constitution relating to usury, the Legislature is authorized to exempt a class of persons from the limitations on interest rates contained therein Existing law exempts a class of lenders known as consumer finance lenders from the constitutional usury provisions and provides a comprehensive scheme for the licensing of these lenders by the Commissioner of Corporations These provisions, which are set forth in the Consumer Finance Lenders Law, also prescribe the maximum fees and charges that such a lender may contract for and receive in connection with a loan

This bill would create a class of lenders which is exempt from the limitation on interest rates contained in the Constitution, to be known as commercial finance lenders The bill would provide a comprehensive scheme for the licensing of commercial finance lenders by the Commissioner of Corporations which is similar to that which applies to consumer finance lenders, except that this bill would not prescribe the maximum rate of fees and charges which may be contracted for and received in connection with a loan made by a commercial finance lender.

The bill would make related changes in various codes

This bill would incorporate additional changes in Section 10133.1 of the Business and Professions Code, proposed by Assembly Bill 2921, to be operative only if Assembly Bill 2921 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

This bill would incorporate additional changes in Section 12100 of the Financial Code, proposed by Senate Bill 2046, to be operative only if Senate Bill 2046 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1083 (AB 2305) Katz Administrative regulations: small business impact statements

Existing law establishes procedural requirements for the adoption, amendment, or repeal of administrative regulations by state agencies It generally requires a state

agency to prepare a notice of proposed adoption, amendment, or repeal of a regulation, as specified, and to submit for review by the Office of Administrative Law an initial and a final statement concerning the adoption or amendment of a regulation, and later an updated informative digest, as specified.

This bill would make legislative findings and declarations concerning the impact of laws and regulations upon small businesses and would establish the California Small Business Regulatory Flexibility Act.

The bill would define "small business" and would require a state agency in proposing to adopt or amend any administrative regulation, if it determines that the action may have a significant adverse economic impact on small business, to include in its notice of proposed action: (1) identification of the types of small businesses that would be affected; (2) a description of the projected reporting, recordkeeping and other compliance requirements that would result from the proposed action; and (3) a statement, as described, (a) stating that the regulation may have a significant adverse economic impact on small businesses, (b) stating whether the agency has considered alternatives that would lessen the economic impact, and (c) inviting such alternatives to be proposed.

The bill would provide that if a state agency in proposing to adopt or amend any administrative regulation determines that the action will not have a significant adverse economic impact on small business, the state agency shall make such a declaration in the notice of proposed action.

The bill would provide also that an agency's determination and declaration that a proposed regulation may have or will not have a significant, adverse impact on small businesses shall not be grounds for the Office of Administrative Law to refuse to publish the notice of proposed action.

In addition, the bill would require a state agency to include in its initial statement of reasons for proposing the adoption or amendment of a regulation a description of any alternatives the agency has identified that would lessen any adverse impact on small businesses.

Existing law requires a state agency in its final statement of reasons for proposing the adoption or amendment of a regulation (1) an update of the information contained in the initial statement of reasons; (2) a determination, as specified, as to whether the regulation imposes a mandate on local agencies or school districts; and (3) a summary of each objection or comment made regarding the regulation, together with an explanation of how the proposed regulation has been amended to accommodate each objection or comment, or the reasons for rejecting the objection or comment.

This bill, in addition, would require a state agency to include in its final statement of reasons for proposing the adoption or amendment of a regulation an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses.

Existing law requires that at least 45 days prior to the hearing or close of the public comment period on the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be mailed to specified persons.

This bill would require, in addition, that the notice be mailed to at least a representative number of small business enterprises or their representatives which have been identified as being affected by the proposed action.

Ch 1084 (SB 1656) Robbins. Mortgage guaranty insurance.

Existing law regulates the transaction of the business of mortgage guaranty insurance. Mortgage guaranty insurance insures against financial loss by reason of the nonpayment of sums agreed upon under the terms of any note or other evidence of indebtedness secured by a lien or charge on real estate.

This bill would expand the definition and scope of mortgage guaranty insurance to include insurance against financial loss by reason of nonpayment of principal, interest, and other sums agreed to be paid under the terms of any note or bond or other evidence of indebtedness secured by a mortgage, deed of trust, or other instrument constituting a junior lien or charge on real estate, provided the improvement on such real estate is a residential building or a condominium unit or building designed for occupancy for not more than 4 families

Existing law, for purposes of mortgage guaranty insurance, defines an "authorized real

estate security" as an amortized note, bond, or other evidence of indebtedness, not exceeding 95% of the fair market value of the real estate secured by a mortgage, deed of trust, or other instrument constituting a first lien or charge on real estate, provided, among other things, the real estate loan is one which a bank, savings and loan association, or an insurance company is authorized to make.

This bill would expand the definition of authorized real estate security for purposes of mortgage guaranty insurance regulation to delete the requirement of amortization, and to include either a note, bond, or other evidence of indebtedness not exceeding 95% of the fair market value of the real estate at the time the loan is made and which is secured by a mortgage, deed of trust, or other instrument constituting the first lien or charge on real estate, or, a note, bond, or other evidence of indebtedness secured by a junior lien or charge on the real estate, which, when combined with all existing mortgage loan amounts, does not exceed a total indebtedness equal to 90% of the fair market value of the real estate at the time the junior loan is made, provided, among other things, the real estate loan is any type of loan which a bank, savings and loan association, mortgage banker, credit union, mortgage loan broker, or insurance company is or would be authorized to make or arrange.

The bill would delete certain exceptions to existing mortgage guaranty provisions, as specified

The bill would also enact specific provisions regarding mortgage guaranty insurance of mortgages secured by junior liens, as specified.

The bill would also permit an insurer with a certificate of authority to transact the business of credit insurance in this state to also transact the business of mortgage guaranty insurance, as specified, provided the insurer has received the written permission of the Insurance Commissioner.

The bill would make various other related changes

Ch 1085 (SB 1531) Ellis. Taxation use fuel tax

Under existing Use Fuel Tax Law, specified provisions relating to use fuel tax permits and returns and payments of use fuel tax do not apply to a user of fuel whose sole use of fuel in this state is for the propulsion of a privately operated passenger motor vehicle, provided that the fuel used, with a certain exception, is purchased from and delivered into the fuel tank of the vehicle by a vendor.

This bill would extend the exemption from the application of the use fuel tax permit and returns and payments provisions to a user of fuel whose sole use of fuel in this state is for the propulsion of a 2-axle truck which the user has rented or leased for a period of 30 days or less.

Existing law authorizes a county to impose a tax, in 1¢ increments, per gallon on motor vehicle fuel on a countywide basis, if a proposition granting the authorization is approved at an election, the county and cities have a written agreement on allocation of the tax revenues, and the proposition is approved by the board of supervisors and by a majority of the city councils having a majority of the population in the incorporated area of the county.

This bill would instead require the written agreement on allocation of tax revenues to be between the county and the majority of the cities having a majority of the population in the incorporated areas of the county.

The bill would take effect immediately as an urgency statute

Ch 1086 (SB 1445) Presley Peace officers.

Existing law provides that parole officers of the Department of Corrections and the Department of the Youth Authority, probation officers, deputy probation officers, specified state correctional officers and employees having custodial responsibilities, and transportation officers of probation departments are peace officers whose authority extends to any place in the state while engaged in the performance of their duties relating to parole as specified. These peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency

This bill would instead provide that these peace officers, with the exception of parole officers, may carry firearms while engaged in the performance of their duties only if authorized by their employing agency and under such terms and conditions as are specified The parole officers, however, would be authorized to carry firearms but only

as determined by the Director of Corrections or the Director of the Youth Authority as specified; but the right of such officers to carry firearms may be denied or revoked, as specified Certain of these peace officers would be permitted, subject to revocation, as specified, to carry firearms off duty. Such peace officers would be required to meet specified training requirements ~~The bill would state that the Youth Authority is not required to provide firearms training in any fiscal year in which funding for that purpose is not specifically appropriated by the Legislature.~~*

This bill would express the intent of the Legislature not to affect law relating to employee benefits

Ch. 1087 (SB 649) Ellis. School employees: violence against.

Existing law provides misdemeanor punishment for assault or battery generally, but an increased penalty for assault, and alternative felony-misdemeanor punishment for battery, is authorized when the victim is a peace officer, fireman, emergency medical technician, mobile intensive care paramedic nurse, physician, or any person who is inflicted with great bodily injury.

This bill would authorize an increased penalty for assault and for battery when the victim is a teacher, student teacher, school security officer, or school administrator engaged in the performance of his or her duties and would define school for the purposes of the provisions

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1088 (SB 105) Ayala Juvenile court law

Existing law determines a procedure for the commencement of proceedings to declare a minor a dependent child or ward of the juvenile court.

This bill, until January 1, 1985, would revise the procedure, including delineating the circumstances under which the probation officer must submit an application requesting the commencement of juvenile court proceedings to the prosecuting attorney. This bill would also provide that if, after delivery of the application (which is in the form of an affidavit) to the prosecuting attorney, if it appears to the prosecuting attorney that the affidavit was not properly referred or that the minor may benefit from a program of informal supervision, he or she may refer the matter to the probation officer for whatever action the probation officer may deem appropriate. On January 1, 1985, provisions identical to existing law would be added to the law and the above specified provisions would be repealed

Ch. 1089 (AB 3271) La Follette. Juvenile court law

Under existing law, in any case in which a minor is referred to the probation officer because of school violence, the probation officer must notify the school making the referral of the status of, and progress and final actions on, the case, and specify the reasons for the action taken

This bill would limit the above duties to referrals concerning acts of school violence committed prior to January 1, 1983 and, with respect to referrals committed on or after that date, revise and expand the notification duties of the probation officer.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would

also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required, at which time a provision substantively identical to existing law would be added to the law.

Ch 1090 (SB 2021) A. Garcia Juvenile court law.

Existing law does not specify that in determining the judgment and order to be made in a juvenile court proceeding in which a minor is found to be a person coming within the jurisdiction of the juvenile court on the basis of criminal conduct, the court shall consider the age of the minor, the circumstances and gravity of the minor's offense, and the minor's previous delinquent history.

This bill would require the court to consider those factors, in addition to other relevant and material evidence

Ch. 1091 (SB 1882) Presley. Juvenile court law

Under existing law an officer who takes a minor into temporary custody on specified bases, including a reasonable belief that there are grounds to declare the minor a ward of the juvenile court, may release the minor, release the minor after giving him or her a written notice to appear before the probation officer at a specified time and place, or deliver the custody of the minor to the probation officer, as specified.

This bill would also authorize the officer to deliver or refer a minor whom he or she thinks does not need to be brought before the juvenile court to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services to minors so delivered. It also would provide that the probation officer is not required to make an investigation as to whether proceedings in juvenile court should be commenced with regard to such a minor unless the agency to which the minor is delivered or referred requests the probation officer to do so

It also would make technical changes.

Ch 1092 (SB 1651) Russell. Schools. kindergarten school day waivers· teachers' retirement

(1) Existing law prohibits a kindergarten pupil from being kept in school in any day more than 4 hours exclusive of recesses, except that this prohibition does not apply to counties of the 3rd class.

This bill would also except the Pasadena Unified School District from that prohibition

(2) Existing law authorizes the governing board of a school district to request the State Board of Education to waive all or part of any section of the Education Code, except specified provisions

This bill would prohibit the waiver of [specified]* provisions of the Education Code relating to the State Teachers' Retirement System.

Ch. 1093 (AB 2682) Torres Crimes.

Existing law establishes in the Office of Criminal Justice Planning the Gang Violence Suppression Program to provide for financial and technical assistance for district attorneys' offices and which is operative only if federal funds are made available

This bill would make various changes in the provisions relating to the Gang Violence Suppression Program to permit financial and technical assistance to be provided to local law enforcement agencies, county probation departments and community-based organizations in addition to district attorneys' offices. The purpose of this assistance would be to provide enhanced law enforcement and probation enforcement and community programs relating to suppression of gang violence

Ch 1094 (AB 2684) Torres. Juveniles fitness hearings.

Under existing law, if a minor is alleged to have committed any one of several felonies, he or she is presumed to be not a fit and proper subject to be dealt with under the juvenile court law, unless the juvenile court concludes that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court based on an evaluation of specified criteria.

This bill would include certain other offenses within that presumption, including offenses relating to intimidation of witnesses and influencing testimony or information given to law enforcement officials.

It also would make additional changes to Section 707 of the Welfare and Institutions

Code, contingent upon the enactment and prior chaptering of SB 51.

Under existing law, an officer who takes a minor into temporary custody on specified bases, including a reasonable belief that there are grounds to declare the minor a ward of the juvenile court, may release the minor, release the minor after giving him or her a written notice to appear before the probation officer at a specified time and place, or deliver the custody of the minor to the probation officer, as specified

This bill would provide that the probation officer is not required to make an investigation as to whether proceedings in juvenile court should be commenced with regard to such a minor unless the agency to which the minor is delivered or referred requests the probation officer to do so

The bill would also provide for the incorporation of amendments to provisions of this bill which are made in Senate Bill 14 if this bill is chaptered after SB 14.

Ch 1095 (SB 1636) Dills State employer-employee relations

(1) Existing law provides that where specified provisions of law are in conflict with a memorandum of understanding reached pursuant to the higher education employer-employee relations law, the provisions of the memorandum of understanding shall be controlling

This bill would also provide that where specified provisions relating to the waiting period for eligibility for industrial disability leave are in conflict with such a memorandum of understanding, the memorandum of understanding shall be controlling.

(2) Existing law provides that the headquarters of heads of departments and members of all boards and commissions not covered by specified provisions of law, unless fixed by law, shall be determined and fixed by the State Board of Control, and the headquarters of all other officers, agents, and employees not covered by specified provisions of law shall be determined and fixed by the appointing power.

This bill would delete these provisions, and would require the Department of Personnel Administration to determine and fix the headquarters of boards and commissions, unless fixed by law

(3) Existing law contains provisions governing leave for military service, rights and benefits accrued during that service, and reinstatement after that service, for civil service employees.

This bill would specify that both the State Personnel Board and the Department of Personnel Administration have responsibilities for carrying out these provisions, and would specify the division of authority in this regard

(4) Existing law provides that an employee granted emergency military leave shall receive his or her salary as a state employee while going to, engaging in, and returning from the duty, not to exceed 30 days each time emergency military leave is granted, and not to exceed 30 days in any one fiscal year

This bill would remove the limitation that the above pay shall not exceed 30 days in any one fiscal year

(5) Existing law requires the Department of Personnel Administration to administer and enforce the laws pertaining to personnel

This bill would provide that no action or proceeding shall be brought by any person for wrongs or grievances based on or related to any law administered by the department unless the action or proceeding is commenced within one year after the cause of action first arose

(6) Existing law requires the Governor to appoint up to 10 labor relations officers as necessary to perform the functions of the Division of Labor Relations in the Department of Personnel Administration, who shall be exempt from civil service, and to appoint a deputy director of the department who shall be chief of the division

This bill would instead permit the Governor to appoint up to 10 civil service exempt labor relations officers, and would delete the requirement that the deputy director be chief of the division

(7) Existing law requires the State Board of Control to adopt rules limiting the amount, time, and place of expenses and allowances to be paid to elected state officers while traveling on official state business, and requires the Director of the Department of Personnel Administration to adopt similar rules for officers and employees of the state other than elected state officers

This bill would provide that the Trustees of the California State University shall

provide by rule for the travel expenses and allowances of officers and employees of the California State University, and for the rates for housing and lodging furnished by the state for employees of the trustees

This bill would, in addition, require the State Board of Control ~~and the Director of the Department of Personnel Administration~~* to adopt these rules for officers and employees of the state who are provided for in the provisions of the California Constitution relating to the judicial branch of government

(8) Existing law requires the Board of Control to authorize expenditures for meals, lodging, or travel of persons who provide nonsalaried assistance to the State Personnel Board in the preparation or conduct of civil service written or oral examinations

This bill would instead require the Department of Personnel Administration to authorize these expenditures

(9) This bill would also specify the division of authority and responsibility between the State Personnel Board and the Department of Personnel Administration, and would make other related changes

(10) The bill would also declare the Legislature's intent regarding the application of certain 1982 Budget Act requirements to state owned housing under the jurisdiction of the California State University.

Ch. 1096 (AB 2688) Torres. Solicitation

Under existing law, it is a crime to prevent or dissuade any witness or victim from attending or giving testimony at any trial, proceeding, or inquiry authorized by law.

This bill would provide that every person who solicits another to prevent or dissuade any person who is or may become a witness from attending upon, or testifying at, any trial, proceeding, or inquiry authorized by law by force or threat of force would be punishable by imprisonment in the county jail or state prison, or by a fine, or by both a fine and imprisonment, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1097 (AB 2685) Torres Crimes.

Existing law authorizes any court with criminal jurisdiction, upon a good cause belief that intimidation or dissuasion of a victim or witness has occurred or is reasonably likely to occur, to issue orders, including orders against the violation of such provisions, against communicating with any specified witness or victim, calling for a hearing to determine if such other orders should be issued, and providing for the protection of witnesses and victims by a law enforcement agency

This bill, in addition, would authorize a county to establish and maintain a facility to provide security for such witnesses and victims, as specified.

Under existing law, there is in the Governor's office a California Commission on Crime Control and Violence Prevention for the purpose of studying the root causes of violence. The commission is authorized to apply for federal funds and other public or private grants The commission expires January 1, 1983 and is required to report its findings and recommendations to the Legislature by January 15, 1983

This bill would extend the commission's existence to March 1, 1983, would extend the deadline for the submission of its findings and recommendations to the Legislature to March 31, 1983, and would authorize it to establish a separate nonprofit corporation to accept funds and implement the commission's findings and recommendations.

Ch. 1098 (AB 2686) Torres Intimidation of witnesses and victims.

Under existing law, it is a misdemeanor to knowingly and maliciously prevent or dissuade or attempt to prevent or dissuade any witness or victim, as such terms are defined, from attending or giving testimony at any trial, proceeding, or inquiry authorized by law, or to attempt to prevent or dissuade another person who has been the victim of a crime or who is a witness to a crime, from performing specified acts relating to

assisting law enforcement or prosecution activities If any such act or attempt is accompanied by, among other things, force or threats of force, the act or attempt is a felony punishable by imprisonment in the state prison for 2, 3, or 4 years

This bill would provide, in addition, that where any such act or attempt is accompanied by the use of force, that fact shall be considered a circumstance in aggravation of the crime in imposing a term of imprisonment

Existing law authorizes any person to serve a subpoena in a criminal action This bill would prohibit the service of a subpoena in a criminal action by a defendant in that action.

Ch. 1099 (AB 2689) Torres. Crimes

Under existing law, if consecutive terms are imposed for 2 or more felonies, the aggregate term of imprisonment is composed of a principal term, consisting of the greatest term of imprisonment for any of the felonies, plus a subordinate term for each consecutive felony, which is generally ⅓ of the prescribed middle term of imprisonment for the additional felony or felonies.

This bill would provide that if the defendant is convicted of 2 or more felonies, and 1 of the felonies involves an attempt to dissuade or influence witnesses to the other felony, as specified, the subordinate term shall be 100% of the prescribed middle term of imprisonment

The bill would make additional related changes contingent upon the enactment of AB 2688.

Ch. 1100 (AB 2691) Torres. Crimes

Existing law does not specifically impose criminal penalties for willfully threatening to use force or violence upon the person of a witness to a crime, victim of a crime, or any other person or to damage or destroy the property of such person, because he or she has provided assistance or information to a law enforcement officer, or to a public prosecutor in a criminal action or juvenile court proceeding

This bill would make such a threat a misdemeanor.

Under existing law, when a judgment of imprisonment is to be imposed and the statute specifies 3 possible terms, the middle term is imposed unless there are circumstances in aggravation or mitigation

This bill would provide that upon conviction of a felony assault or battery offense, it shall be considered a circumstance in aggravation if the offense was committed to prevent or dissuade attending or testifying at a trial, proceeding, or inquiry, or was committed because the person provided assistance or information to a law enforcement officer, or to a public prosecutor in a criminal or juvenile court proceeding.

Existing law prohibits the granting of probation for various persons convicted of a crime

This bill would prohibit the granting of probation to a person who personally uses a firearm during the commission of specified crimes relating to intimidation of witnesses or similar persons.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1101 (AB 2690) Torres Firearms.

Existing law prohibits preventing or dissuading a witness from attending or giving testimony at any trial.

This bill would prohibit having a deadly weapon on one's person with intent to use the weapon so to prevent or dissuade a witness.

Existing law prohibits bringing a loaded firearm into the office or residence of any constitutional officer, among others.

This bill would prohibit bringing or possessing any firearm or any other specified weapon within any courtroom or building designated as a courthouse or court building

in this state, except as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1102 (AB 961) Goggin. Youth Authority.

Existing law delineates the powers and duties of the Department of the Youth Authority.

This bill would revise existing law to (1) prohibit a court from discharging a person who has been committed to the Department of the Youth Authority from its jurisdiction so long as the person remains under the jurisdiction of the department, (2) extend the date upon which a person committed to the department by a juvenile court on the basis of the commission of one of specified felonies must be discharged from the later of a 2-year period of control or his or her 23rd birthday to a 2-year period of control or his or her 25th birthday and delete the language limiting the application of the provision to persons who were 16 years of age or older at the time of the offense; and (3) make related and technical changes.

Ch. 1103 (AB 2357) Cramer. Crimes

Existing law provides that the district attorney shall give written notice to the superintendent of schools having jurisdiction over a minor of compulsory school age, within 48 hours of the filing of a petition in the juvenile court alleging use, sale, possession, ingestion or inhalation of specified narcotics, poisons or controlled substances.

Existing law further provides that specified persons may inspect juvenile petitions or reports and all other inspections shall occur pursuant to a court order

This bill would provide that the district attorney may provide written notice of the juvenile petition and proceedings relating to use, sale, possession, ingestion or inhalation of narcotics, poison, or controlled substances to the superintendent of schools, within 48 hours of the filing of the petition and without first obtaining a court order to release the information

Existing law provides that in any case in which a person is arrested for an offense which is a misdemeanor and does not demand an appearance before a magistrate, the person may be released according to specified procedures, including the issuance of a notice to appear.

This bill would delete the requirement that unless waived by the person, the time specified in a notice to appear must be at least 30 days after arrest if the duplicate notice is to be filed by an arresting officer with the prosecuting attorney

Existing law provides that failure by the prosecutor to file a duplicate notice or formal complaint within 25 days of the time of arrest shall bar further prosecution of the misdemeanor charged in the notice to appear.

This bill would provide instead that the failure by the prosecutor to file the notice or formal complaint within 25 days of the time of arrest shall not bar further prosecution of the misdemeanor charged in the notice to appear; however, any further prosecution shall be preceded by a new and separate citation or an arrest warrant.

Existing law provides that whenever any person applies to a probation officer to commence proceedings in the juvenile court, the application shall be in the form of an affidavit alleging specified facts and that after an independent jurisdictional determination, the probation officer shall cause the application to be taken to the prosecuting attorney.

This bill would provide that notwithstanding existing provisions, the probation officer shall immediately cause the affidavit to be taken to the prosecuting attorney upon the determination that the minor has been referred to the probation officer for a violation of an offense which would ordinarily make the minor unfit for the juvenile court and that the minor was 16 years of age or older at the time of the violation. This bill would provide further that if the prosecuting attorney decides not to file a petition, he or she may return the affidavit to the probation officer for any other appropriate action.

Ch 1104 (AB 2509) Johnston. Escapes

Existing law provides that any person confined in the Deuel Vocational Institution who escapes or attempts to escape therefrom is guilty of a felony or a misdemeanor, as specified. Additionally, existing law provides that any person confined in a state prison who escapes therefrom, is guilty of a felony.

This bill would apply the provisions relative to escape from the Deuel Vocational Institution to minors only

The bill would include escapes by adult persons confined in the Deuel Vocational Institution within the provisions making state prison escapes generally a felony

Existing law makes it an alternative felony or misdemeanor to escape or attempt to escape from the California Youth Training School, or a misdemeanor to escape or attempt to escape from a facility or institution of the Youth Authority.

This bill would repeal the provision relative to the school, and revise and expand the provisions relative to escape from the Youth Authority, with felony or alternative felony-misdemeanor punishment, as specified.

Ch. 1105 (AB 3190) Wright Minors

Under existing law, a minor found not a fit and proper subject to be dealt with under the juvenile court law must also be evaluated and found not a suitable subject for commitment to the Youth Authority before being sentenced to state prison.

This bill would delete the requirement of a finding that the minor is not a suitable subject for commitment to the Youth Authority, and would of specify certain considerations to be used by the court in determining the disposition of the minor

Ch 1106 (AB 1961) Lancaster. Escrow agents.

Existing law does not provide a comprehensive program to indemnify escrow agents against losses sustained as a result of embezzlement, theft, or mysterious disappearance

This bill would provide for the establishment of a nonprofit Escrow Agents' Guaranty Corporation by licensed escrow agents to protect members of the corporation against these types of losses. The bill would require all escrow agents to become members of the corporation, and would provide for membership fees upon becoming a member of the corporation, and for periodic assessments.

This bill would permit any member of the corporation who suffers a loss of the type described to file a claim with Guaranty Corporation. This bill would also set forth the liability of Guaranty Corporation to be paid from the guaranty fund during certain time periods, as specified, and would require that losses in excess of these amounts, up to an amount equal to 1% of the total average trust obligations of all members, be covered by a fidelity bond purchased by the corporation. This bill would also give various powers and duties to the Commissioner of Corporations with respect to the Guaranty Corporation.

The bill would require Guaranty Corporation to pay to the Commissioner of Corporations the costs and expenses incurred in the administration of the provisions of the bill and would authorize the commissioner to institute a court action to recover such costs.

Ch. 1107 (AB 1066) Rosenthal. Health services: hemodialysis technicians: health facilities

Existing law provides that dialysis clinics or dialysis units without an approved training program and test shall not be permitted to train personnel until they submit and receive approval for a training program and test by the State Department of Health Services.

This bill would apply this prohibition only after 6 months after regulations relating to minimum training standards for persons employed as hemodialysis technicians are adopted by the department. This bill would, in addition, provide that a training program and test which is neither approved nor rejected by the department within 30 days after submission shall be deemed to be approved.

Existing law provides that the employment of persons employed as hemodialysis technicians shall be terminated unless these persons take and pass a test, as specified, by January 1, 1983. These persons may, until January 1, 1983, perform venipuncture and arterial puncture, as specified. Existing law also provides that personnel in training shall be directly supervised by a licensed physician and surgeon or by a licensed registered nurse at all times prior to passing the test.

This bill would remove the above time limitation placed on hemodialysis technicians with respect to the performance of venipuncture and arterial puncture, as specified.

This bill would also provide that personnel in training shall be classified as dialysis technician trainees and shall be immediately supervised, as defined, by a licensed physician and surgeon, or by a licensed registered nurse, whenever the trainee is involved in direct patient care prior to passing the test, rather than at all times prior to passing the test. The bill would further provide that persons employed as hemodialysis technicians on the effective date of the bill who have taken but not successfully completed the approved test shall be reclassified as dialysis technician trainees and shall be required to successfully complete the approved test within 6 months after taking their first test or their employment shall be terminated.

Existing law provides that chemical dependency recovery services may be provided as a supplemental service in existing general acute care beds and acute psychiatric beds in a general acute care hospital or in existing acute psychiatric beds in an acute psychiatric hospital or in existing beds in a freestanding facility, as defined. The State Department of Health Services approves the distinct part of the hospital or freestanding facility wherein the chemical dependency recovery services must be provided.

This bill would authorize an acute psychiatric hospital which provides all of the basic services, as prescribed, to have all of it licensed acute psychiatric beds approved for chemical dependency recovery services.

This bill would take effect immediately as an urgency statute.

Ch. 1108 (SB 580) O'Keefe. Building permits: moratoriums.

(1) Under existing law, counties and cities have authority to issue building permits, zone for land uses, and to regulate land subdivisions consistent with state law. Existing law permits the adoption of interim ordinances, as urgency measures, to prohibit any use of land which may be in conflict with a contemplated zoning proposal. It also provides how long an interim ordinance may remain in effect unless extended by the legislative body of the county or city and for how long it may be extended by the legislative body

This bill would change the length of time an interim ordinance may remain in effect and the length of time it may be extended by the legislative body of the city or county, and would prohibit the legislative body of a county or city from adopting or extending an interim ordinance unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, rezonings, land use permits, variances, building permits, or any other applicable entitlement required pursuant to a zoning ordinance would result in a threat to the public health, safety, or welfare. The bill would also require the legislative body to issue a written report, 10 days prior to the extension or expiration of an interim ordinance, describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch. 1109 (SB 1007) Dills. Merit system requirements.

Existing law requires the State Personnel Board to adopt regulations to establish and maintain personnel standards on a merit basis and to administer merit systems for local government agencies where such merit systems of employment are required by statute as a condition of a state-funded program or a federal grant-in-aid program established under specified federal laws. A local agency may establish its own merit system and determine the personnel standards to be applicable to its employees, but as to employees engaged in administering the specified state and federal supported programs, the local

systems and standards shall be subject to approval and review by the board to the extent necessary to qualify for federal funds

This bill would require the board, upon request, to waive administration of all or part of a local agency merit system where administration of any or all merit system standards are established pursuant to a legally binding memorandum of understanding negotiated between the local agency governing board and a recognized employee organization representing employees engaged in federally supported programs, upon a determination by the board that the provisions of the memorandum of understanding maintain merit system standards to the extent necessary to qualify for federal funds The waivers would be subject to periodic review by the board.

Ch. 1110 (AB 3806) Rosenthal. Acupuncture.

Existing law requires that every acupuncturist possess an acupuncturist's certificate, issued by the Acupuncture Examining Committee, in order to practice in this state.

This bill would provide an exemption from this requirement for acupuncturists from other states and countries who lecture, conduct clinics and present demonstrations to professional acupuncture associations or scientific acupuncture foundations recognized by the committee or approved acupuncture training programs. The guest acupuncturist would be authorized to engage in the practice of acupuncture in connection with lectures, clinics, or demonstrations for a maximum of 6 months, but would be prohibited from otherwise practicing acupuncture

This bill would take effect immediately as an urgency statute.

Ch 1111 (AB 2721) McCarthy Crimes

Existing law proscribes certain forms of sexual conduct, such as oral copulation under specified circumstances and penetration of the genital or anal openings of another person by a foreign object, as specified.

This bill would revise the above provisions, provide that penetration of the genital or anal openings of another by a foreign object by force and violence, in concert with another, is punishable by imprisonment for 5, 7, or 9 years, establish the crime of sexual battery, as defined, and define the term "consent" for the purpose of designated prosecutions in which consent is at issue

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1112 (AB 2821) Bates. Health services: perinatal care.

Existing law requires the State Department of Health Services to, among other things, support the development of perinatal access systems, designate approved centers as operators of such systems, and provide specified administration, regulations, and reports relating to such systems.

This bill would require the department to maintain a comprehensive community-based perinatal services program, as specified, and to be responsible for monitoring the delivery of services under this program. The provisions for this system would only be operative to the extent funds are appropriated in the Budget Act for this purpose.

Ch. 1113 (AB 3458) Levine. Crimes.

Existing law defines rape, among other things, as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator where the perpetrator causes submission of the victim by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat Existing law does not define rape against the spouse of the perpetrator with reference to such threats

This bill would define rape against the spouse of the perpetrator to include such threats.

Under existing law, entry of a dwelling or inhabited place without consent may

constitute a crime under certain circumstances. Also, specified willful and lewd exposure, and vagrancy, are separate crimes.

This bill would make such exposure, or vagrancy when committed after such entry punishable alternatively as a felony or misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1114 (SB 1857) Watson. Job training: nontraditional occupations

Existing law generally requires the Employment Development Department to administer all job training and placement programs for persons eligible for those services.

This bill would require the department, in conjunction with the Department of Social Services, the Department of Industrial Relations, the Department of Education, and the Chancellor's office of the California Community Colleges, to establish a systemwide policy of actively promoting the training of women in nontraditional occupations, as defined.

The bill would state that it is not intended, and shall not be construed, to require any local agency to make any expenditures to further the policy set forth in the bill.

Ch. 1115 (AB 3172) M. Waters. Office of Criminal Justice Planning: sexual assault advisory committee

Existing law does not require the advisory committee to the Office of Criminal Justice Planning relative to sexual assault cases, to establish standardized procedures for the collection of evidence from victims of sexual assault or attempted sexual assault who are treated in hospital emergency rooms.

This bill would so provide. It would also require the advisory committee to develop an informational guide, as specified It would also provide that copies of the standardized procedures and the informational guide shall be distributed to all emergency facilities in the state

This bill would appropriate $25,000 dollars from the General Fund for purposes of implementing this act.

Ch. 1116 (SB 1835) Keene. Wages: equal pay for equal work.

(1) Existing law prohibits an employer from paying any employee at wage rates less than the rates paid to employees of the opposite sex in the same establishment for equal work on jobs, the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, with specified exceptions. Any employer who violates the above provisions is liable to the employee affected in the amount of the wages, and interest thereon, of which the employee is deprived by reason of the violation.

This bill would instead provide that any employer who violates the above provisions is liable to the employee affected in the amount of the wages, and interest thereon, of which the employee is deprived by reason of the violation, and in an additional equal amount as liquidated damages.

(2) Existing law provides that a civil action to recover wages under the provisions described in paragraph (1) may be commenced no later than 2 years after the cause of action occurs

This bill would, in addition, provide that a cause of action arising out of a willful violation of these provisions may be commenced no later than 3 years after the cause of action occurs.

(3) Existing law provides that any employer who pays any employee a wage less than the rate paid to an employee of the opposite sex, or who reduces the wage of any employee in order to comply with the provisions described in paragraph (1) is guilty of a misdemeanor and is punishable by a fine of not less than $50 or by imprisonment for not less than 30 days, or by both.

This bill would instead provide that any employer who willfully violates these provi-

sions is guilty of a misdemeanor and is punishable by a fine of not more than $10,000, or by imprisonment for not more than 6 months, or by both

Ch 1117 (AB 3133) Roos. Educational institutions discrimination

Under existing law, it is contrary to the public policy of this state for any person charged by the governing board of a school district with the responsibility of recommending persons for positions requiring certification qualifications to refuse to make or to fail to make such recommendation for various reasons, including among others, the sex of the applicant

This bill would establish the policy of the State of California to afford all persons, regardless of sex, equal rights and opportunities in the educational institutions of the state. It would also prohibit, with certain exceptions, policies and practices contrary to this policy, and establish provisions to implement the purposes of the policy.

Existing law requires each state agency which administers a program or activity that is funded directly by the state or receives any financial assistance from the state and which enters into contracts for the performance of services to be provided to the public in a total amount exceeding $100,000 per year to adopt rules and regulations necessary to effectuate the existing prohibition against unlawfully denying any person in the state the benefits of, or unlawfully subjecting any person in California to discrimination under, any such program or activity on the basis of ethnic group identification, religion, age, sex, color, or physical or mental disability.

This bill would provide that the governing boards of school districts and community college districts shall have responsibility for ensuring that district programs and activities are free from such discrimination It would also give the Chancellor's office of the California Community Colleges certain specified review and enforcement responsibilities.

This bill would also require the California Postsecondary Education Commission to report to the Legislature and Governor on the representation and utilization of ethnic minorities and women at the community colleges, the California State University, and the University of California, as specified.

This bill would specify that none of its provisions shall be applicable to the University of California unless the regents so resolve.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1118 (SB 1499) Rains State agencies.

Existing case law interprets the provisions of law applicable to the Commission on the Status of Women as not authorizing the commission to inform the legislature of its position on legislative proposals, or to express a particular viewpoint on issues within the scope of its responsibilities, among other things.

This bill would expressly authorize the commission to inform the legislature of its position on pending legislative proposals, to urge their introduction, and to express a viewpoint on issues within the scope of its responsibilities.

Existing law provides that certain state agencies shall prepare and publish notice of any proposed adoption, amendment, or repeal of a regulation. Existing law also provides that an agency officer, as defined, shall make available to the public upon request the express terms of the proposed action and shall also make available to the public upon request the location of public records, including reports, documentation, and other materials, related to the proposed action.

This bill, in addition, would provide that the agency officer shall make available to the public upon request copies of any public use forms, as defined, which the agency anticipates using as a result of the proposed action.

Existing law provides for the centralized management of forms used by the state and requires the Director of the Department of General Services through the forms management center, among other provisions, to study, develop, coordinate, and initiate forms of interagency and common administrative usage.

This bill, in addition, would require the Director of the Department of General Services by January 1, 1984, to maintain a complete and comprehensive inventory of public use forms used by the state.

Existing law provides that the head of each state agency, among other provisions, shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.

This bill, in addition, would require the head of each state agency to establish and maintain an active, continuing program for the economical and efficient management of information collection practices. The bill also would set forth specific provisions concerning the methods used in obtaining, collecting, and tabulating the information

Ch. 1119 (SB 1698) Roberti Prostitution.

Existing law provides that pimping and pandering are felonies with specified penalties.

This bill would increase these penalties, as specified.

The bill would also provide that, with specified exceptions, probation shall not be granted to nor shall the execution or imposition of sentence be suspended for, any person convicted of pimping unless the person is required to serve a term of imprisonment in the state prison for 3 years as a condition of probation or suspension.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1120 (AB 3021) Harris. Public contracts.

Existing law relating to the interpretation of contracts provides that in cases of uncertainty not removed by rules of interpretation, the language of a contract should be interpreted most strongly against the party who causes the uncertainty to exist, and that the promisor is presumed to be such party except in public contracts, where the private party is presumed to have caused all uncertainty.

This bill would eliminate the above-mentioned presumptions as to which party causes the uncertainty to exist.

Existing law includes the Public Contract Code which governs state public works contracts.

This bill would add the definitions of "public entity" and "public works contract" to the code.

Existing law does not expressly prohibit the inclusion in public works contracts of provisions requiring that the acceptance of payment otherwise due a contractor is a waiver of all claims against the public entity.

This bill would provide that such provisions in public works contracts are against public policy and null and void

However, the bill would not prohibit a public entity from placing in a public works contract, and from enforcing, a contract provision which provides that payment of undisputed contract amounts is contingent upon the contractor furnishing the public entity with a release of all claims against the public entity arising by virtue of the public entity works contract related to those amounts and that disputed contract claims in stated amounts may be specifically excluded by the contractor by the operation of the release.

Existing provisions of the Streets and Highways Code state that the Department of Transportation may provide, in any construction contract awarded to the lowest bidder,

for the payment of extra compensation to the contractor for the cost reduction changes in the plans and specifications for the project made pursuant to a proposal submitted by the contractor The extra compensation to the contractor shall be 50% of the net savings in construction costs as determined by the department.

This bill would repeal the above existing law and would add to the Public Contract Code a similar provision relating to public works contracts

In addition, the bill would provide that a contractor shall not be required to perform the cost reduction changes unless the proposal is accepted by the public entity.

Provisions in the Government Code relating to claims and disputes arising under or relating to public contracts were repealed by 1981 legislation.

This bill would repeal the identical provisions in the Public Contract Code

This bill also would add sections to the Public Contract Code providing: (1) that presentation of a claim pursuant to specified provisions of law against a public entity relating to a contract is not required to commence legal action or arbitration proceedings, but that legal action or arbitration proceedings on any claim shall be commenced within 6 months of either a final decision on a claim by the contracting department or (2) accrual of the cause of action, as specified.

Ch 1121 (AB 3141) Wright. Hazardous materials waste disposal.

(1) Under existing law, 3 months after the State Department of Health Services adopts standards and requirements regulating hazardous waste, as specified, no operator of specified facilities is permitted to accept, treat, store for more than 60 days, or dispose of a hazardous waste at that facility, unless the operator holds a hazardous waste facilities permit from the department

This bill would, instead, prohibit any operator of those facilities and, additionally, a storage facility, as defined, from accepting, treating, storing for more than 90 days at an onsite facility, as defined, or 96 hours at an offsite facility, as defined, or disposing of hazardous waste, unless the operator holds such a permit The bill would define, or redefine, various terms for the purposes of certain hazardous waste control laws.

The bill would make legislative findings and declarations.

The bill would require the department to submit a specified report to the Legislature by April 1, 1983.

(2) This bill would require the department to fund all programs authorized by the bill out of existing financial resources.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1122 (AB 3198) Tanner. Cancer

Under existing law, the Director of Health Services is authorized, upon request of any county, to require reporting to the Department of Health Services or its prescribed designee of all cancers, as prescribed, which are diagnosed or treated in that particular county.

This bill would additionally authorize the director to establish a system for the collection of information concerning the incidences of cancer, as specified

Ch. 1123 (AB 2292) Martinez. Food irradiation Picowave processing.

This bill makes various legislative findings and declarations regarding Picowave processing and would require the Department of Food and Agriculture to engage in specified studies of Picowave processing in conjunction with the University of California and

specified agencies of the state and the federal government

Ch. 1124 (AB 2639) Johnston. Community care facilities foster family homes

Under the California Community Care Facilities Act the State Department of Social Services is required to establish regulations for family homes providing 24-hour care for 6 or fewer foster children that are separate from regulations for all other community care facilities. The department may levy a civil penalty on these facilities for deficiencies in compliance with the act or the department's regulations

This bill would require the department to establish regulations for these foster family homes as an entirely separate regulation package from regulations for all other community care facilities and would exempt these homes from the provisions on civil penalties

The bill would also require that the department give advance notice prior to inspection of foster family homes which are considered private residences, except in response to a complaint

This bill, in addition, would exclude small family homes, as defined, from the provisions of this bill.

Ch. 1125 (AB 1363) Elder State employment.

(1) Existing law does not provide for management compensation incentives for state employees.

This bill would permit, subject to other applicable provisions of state law, the Department of Personnel Administration to procure employee benefits for state managerial and confidential employees, as defined, and other specified state employees The state employer would contribute either all, part, or none of the cost of providing the benefits, and the remainder of the cost, if any, would be paid by employee contributions The bill would amend the Insurance Code to designate group life insurance with respect to the specified state employees under specified conditions as an authorized form of group life insurance

This bill would also specify that no contract for employee benefits which requires full or partial funding by the state shall be entered into until either full or partial funding is appropriated by the Legislature, and would require that the state employer contribution be adjusted annually by the Legislature in the annual Budget Act.

(2) Existing law authorizes the Trustees of the California State University to contract for group life insurance or group disability insurance or protection with respect to their employees or to establish a program of motor vehicle liability and automobile insurance with respect to their employees, subject to other applicable provisions of state law.

This bill would authorize the trustees to establish any program of insurance with respect to their employees, subject to other applicable provisions of state law.

(3) This bill would revise benefits of specified officers and employees of the state with regard to uniform allowances, holidays, vacation credits, and bereavement leave, and would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state and specified employee organizations.

(4) This bill would also require the Department of Personnel Administration to adopt emergency regulations to provide benefits for state officers and employees, as specified.

(5) This bill would take effect immediately as an urgency statute

Ch 1126 (AB 3010) Torres. Healing arts.

Existing law provides that certain persons who are licensed to practice medicine in another state are exempt from the medical licensure requirements of this state, as specified.

This bill would provide that a physician who holds a current and valid license in any state or country, who is serving as a physician for any team participating in the XXIIIrd Olympiad, is authorized to practice medicine and is exempted from California's licensure requirements, provided, that the practice is limited exclusively to care of Olympic team members. Olympic team physicians not holding a California license to practice medicine would be required to submit evidence of licensure or certification from another state or a foreign country to the Division of Licensing which may, upon review, issue a certificate to practice medicine for the period of July 14 to August 15, 1984.

Existing law requires a marriage, family, and child counselor who wishes to use hypno-

sis in the course of performing marriage, family, and child counseling, to demonstrate, among other things, that he or she has experience in a clinical setting using hypnosis under the supervision of a physician, dentist or licensed psychologist

This bill would permit the clinical experience in hypnosis to be gained, in addition, under the supervision of a licensed marriage, family, and child counselor who has held a certificate in hypnosis issued by the Board of Behavioral Science Examiners for at least 6 months

Ch. 1127 (SB 1406) Boatwright Consumers.

Existing law imposes specified requirements upon the furnishing of consumer credit reports about consumers by consumer credit reporting agencies, and upon the furnishing of investigative consumer reports about consumers by investigative consumer reporting agencies, as those terms are defined.

This bill would include within the term "consumer credit report" any communication of any information by a consumer credit reporting agency bearing on a consumer's credit worthiness, credit standing, or credit capacity which is used or is expected to be used, or collected in whole or in part, for the purpose of serving as a factor in establishing the consumer's eligibility for the hiring of a dwelling unit, for purposes of the Consumer Credit Reporting Agencies Act; and would include the hiring of a dwelling unit as an activity which would cause a person who meets other specified criteria to be a "consumer" or an "investigative consumer reporting agency" for purposes of the Investigative Consumer Reporting Agencies Act.

Existing law authorizes a consumer credit reporting agency to furnish a consumer credit report, and an investigative consumer reporting agency to furnish an investigative consumer report, in designated circumstances.

This bill would additionally authorize such reports to be issued to a person which the reporting agency has reason to believe intends to use the information in connection with the hiring of a dwelling unit.

Existing law prohibits the inclusion of certain dated information in consumer credit reports, or in investigative consumer reports, as specified.

This bill would additionally prohibit the inclusion in such reports of information about unlawful detainer actions where the person against whom the action was filed was adjudged the prevailing party

Existing law requires the user of a consumer credit report or an investigative consumer report, whenever taking designated action against a consumer, because of information contained in a report, to so advise the consumer and to provide the name and address of the consumer credit reporting agency which made the report.

This bill in addition would specify that not renting or leasing a dwelling unit to a consumer or increasing the charge for renting or leasing a dwelling unit because of information in such a report, would obligate the user of the report to so advise the consumer and to provide the name and address of the consumer credit reporting agency or the investigative consumer reporting agency which made the report.

This bill also would require an investigative consumer reporting agency, as a condition to procuring or causing the preparation of an investigative consumer report, if sought in connection with the hiring of a dwelling unit, to notify the consumer in writing that a report will be made regarding the consumer's character, general reputation, personal characteristics, and mode of living

Ch 1128 (AB 2978) N. Waters. Livestock and poultry processing: inspection.

(1) Existing law requires the Director of Food and Agriculture to inspect slaughtering and processing facilities for livestock and poultry which are exempt from federal inspection

This bill would make legislative findings and declarations regarding the need to ensure sanitation, wholesomeness, and cleanliness of licensed custom slaughter establishments and licensed meat processing establishments, as defined, which are exempt from federal inspection. The bill would also provide for a system to license persons to be licensed livestock meat inspectors. Custom slaughter establishments and meat processing establishments would be required to be inspected by these persons in order to operate and would be required to be licensed by the director. License fees would be collected by the director and would be deposited in the General Fund. The bill would

further authorize the director to promulgate regulations, as specified, to carry out the purposes of the act.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1129 (SB 1455) Davis. Vehicles: offense: abstract of record.

(1) Existing law requires a court to prepare an abstract of a conviction for violation of specified provisions and forward it to the Sacramento office of the Department of Motor Vehicles. Existing law specifies that various records of the department are open to public inspection during business hours.

This bill would require a court or traffic adjudication board to also prepare, certify, and cause to be forwarded to the department's Sacramento office an abstract of the record of any court or board proceeding when a person is granted a continuance of the proceeding in consideration for attendance at a school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, and which attendance results in a dismissal of the complaint. The bill would prohibit the record of the department relating to that proceeding and dismissal to be disclosed to any person, except a court, or any traffic adjudication board, and would limit the use of the report by the department to only statistical purposes.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1130 (AB 2774) Thurman. Eggs: standards and grades.

(1) Existing law authorizes the Director of Food and Agriculture to promulgate regulations relating to the preparation for market and marketing of shell eggs, including the establishment of grade standards and sampling procedures for enforcement purposes.

This bill would do the following.

(a) Require that regulations relating to grade standards be consistent with specified federal regulations

(b) Require that regulations relating to egg shell surveillance inspection be consistent with any federal standards or procedures promulgated by the United States Department of Agriculture on that subject.

(c) Require the director to promulgate regulations by which eggs which do not meet the size or appearance standards generally required for marketing, but which are healthy for consumption, may be sold directly to consumers for their own family use

(2) Existing law requires the county agricultural commissioners, their deputies, and qualified inspectors, under the supervision and control of the director, to enforce the statutes and regulations relating to the production and marketing of eggs. An assessment of up to $0.001 per each dozen eggs sold or purchased in this state is collected by the director from specified persons for the administration and enforcement of these statutes and regulations. The director distributes a portion of the assessments collected to the counties for local enforcement.

This bill would require the director to determine the amount of the funds generated from the assessments that shall be distributed to counties where point-of-origin inspections of eggs are performed. The director would also be required to determine the amount the funds generated by the assessments that shall be distributed to counties that choose to enter into an agreement with the director to perform inspections of retail operators upon the request of the retailer or a consumer.

(3) Existing law authorizes enforcement officers, as defined, to enter and inspect any

place or conveyance where eggs are produced or handled to ensure compliance with applicable standards and regulations

This bill would require a commissioner in each county or the director to perform a point-of-origin inspection on the eggs to ensure that the eggs inspected meet all applicable regulations

(4) The bill would also require the director, or the commissioner under the direction and supervision of the director, to inspect eggs at the point of destination upon the request of a retailer or a consumer or when the director, or commissioner under the direction and supervision of the director, has probable cause to believe that a violation of the laws or regulations relating to eggs is presently occurring or has recently occurred.

(5) The bill would also authorize until January 1, 1985, retail inspection for monitoring purposes to be conducted subject to specified requirements.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1131 (AB 3533) Hannigan. Costs of county jail incarceration.

Existing law permits a court to impose restitution as a condition of probation for a person convicted of a criminal offense and where restitution is ordered, the county board of supervisors may add a fee to cover the actual administrative cost of collecting restitution. If a person convicted of a criminal offense is ordered by the court to be confined in a county jail and is permitted to continue his or her employment by serving the sentence at times other than regular workdays, existing law permits the county to collect from the prisoner costs of confinement according to his or her ability to pay.

This bill would provide that in any case in which a defendant is convicted of an offense and ordered confined, as a term of probation, in a county jail or other local detention facility the court may, after a hearing, determine the ability of the defendant to pay all or a portion of the reasonable costs of the defendant's incarceration The bill would specify the procedures for the hearing and the making of payments if the court so orders The payment of the costs would be a condition of probation. The bill would provide that the collection of these costs requires the adoption of an ordinance by the county board of supervisors, as specified

The bill would further require that when a defendant is required to pay incarceration costs and other amounts such as restitution, or reparation, or costs of probation or legal assistance, the court, after determining the amount of any fine and penalty assessments, shall first determine the amount of restitution to any victim to be ordered and shall then determine the amount of any reimbursement for legal costs and, then, of any reimbursement for probation or incarceration costs

Ch 1132 (AB 2763) Herger. Burglary.

Existing law limits the granting of probation in residential burglary cases, as specified The provisions are operative only until January 1, 1983

This bill would limit probation and require consecutive sentencing in specified cases of burglary on the grounds of a jail or correctional institution

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1133 (AB 2729) Marguth. Arson of property.

Existing law provides for the punishment of arson of property as a felony, except that burning or causing to be burned one's own personal property, absent intent to defraud or injury to another person or another person's structure, forest land, or property, is

exempted from the provision Existing law also provides that unlawfully causing a fire of property is a misdemeanor, including burning or causing to burn one's own property if there is injury to another person or to another person's structure, forest land, or property.

This bill would provide that, in the case of any person convicted of unlawfully causing a fire of property while confined in a jail or correctional facility, any sentence imposed shall be consecutive to the sentence for which the person was then confined.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would go into immediate effect as an urgency statute.

Ch. 1134 (AB 2693) La Follette Prisoner transportation.

Existing law prohibits obstructing peace officers in various situations.

This bill would provide that any person who, without permission of the peace officer or corrections officer in charge of a vehicle used for the transportation of prisoners, delivers a written communication to a prisoner detained therein, or being escorted to or from the vehicle, or takes from or gives to the prisoner any item, is guilty of a misdemeanor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1135 (AB 3338) Wright. Civil service examinations: managerial positions.

Existing law provides that the State Personnel Board shall create and adjust classes of positions for state employees in the State Civil Service.

Existing law grants state employees certain rights relating to membership in employee organizations and employer-employee relations. Managerial employees are excluded therefrom.

This bill would provide that the Department of Personnel Administration shall designate managerial positions for these purposes and shall report the designations to the State Personnel Board annually. It would provide that any disputes as to the management classification or position designations may be appealed to the State Personnel Board.

Existing law provides, generally, that eligible lists for employment in state civil service shall be established by examinations that are competitive and that fairly test the qualifications, fitness, and ability of the competitor.

This bill would provide, with certain exceptions, that examinations for managerial positions, as defined, shall be held on an open basis. It would require ranking in the relative order of the examination score received.

Existing law provides, generally, that, for purposes of promotions, vacancies in civil service positions shall be from promotional lists of civil service employees holding positions in appropriate classes

This bill would create an exception to this provision with reference to managerial positions.

This bill would become operative on July 1, 1983.

The bill would take effect only if AB 3332 is chaptered.

Ch. 1136 (SB 1935) Robbins. Insurance: peace officers.

Existing law prohibits any insurer, in issuing or renewing a private automobile insurance policy, as defined, to a peace officer, member of the California Highway Patrol, or fireman, with respect to his or her operation of a private motor vehicle, from increasing

the premium on such policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined, in response to his or her duties during the hours of employment, and prohibits any insurer from failing to renew any such policy of such a peace officer, member of the California Highway Patrol, or fireman for the reason that the insured has been involved in such an accident.

For purposes of the above provisions, this bill would revise the definition of peace officer, as specified. It would also require any peace officer, as defined, who has been involved in an accident to submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as specified.

Existing law defines various terms with respect to actions on motor vehicle liability insurance policies.

This bill would define the terms "operated by" and "when operating" for such purposes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1137 (SB 1922) Johnson. Special districts.

(1) Under existing law, community services districts are authorized to fix and collect, in accordance with prescribed procedures, water standby or availability charges of not to exceed $10 per acre per year for each acre of land, or $10 per year for each parcel of land less than one acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not.

This bill would, in the Golden Hills Community Services District only, increase that limit to $30 per acre per year or $30 per year for a parcel less than one acre

(2) Existing law specifies that unpaid charges of public utility districts and irrigation districts and public utility district taxes may, except under specified circumstances, become a lien on the property in accordance with prescribed procedures.

This bill would revise the circumstances under which the lien, which would otherwise be imposed, shall not attach to the property.

The bill would also require the irrigation district collector to accept payment of current year assessments even though prior year delinquencies on the real property may exist and would specify that acceptance shall not affect the validity of delinquency proceedings or actions previously taken.

(3) Under existing law, county drainage districts may be formed for specified purposes relating to the control and conservation of storm and waste waters.

This bill would authorize a county drainage district to adopt by resolution and carry out any definite plan or system for accomplishing, facilitating, or financing all work which may be lawfully accomplished by a county drainage district and to enforce the plan or system by resolution. The bill would specify related powers of the district, would prescribe the manner of adoption of district ordinances, and would prescribe related matters.

(4) Under existing law, the Siskiyou County Flood Control and Water Conservation District may not convey title to real property, water rights, or waterworks except by a vote of the electors at an election held for that purpose. The district is also authorized to construct, operate, and maintain works to develop hydroelectric energy.

This bill would specify that nothing is intended to preclude the district board from conveying or alienating title to real property, water rights, or waterworks when the board deems it necessary, expedient, or advantageous to the full exercise and economic enjoyment of district purposes. The bill would also delete requirements that district hydroelectric energy be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy, but would prohibit the district from offering the power generated for sale directly to customers other than a

public utility or public agency engaged in the distribution, use, or sale of electricity. The bill would permit the district to enter into contracts for the use of the energy as prescribed, and would specify related matters.

Ch. 1138 (SB 1898) Petris. Housing authorities

(1) Existing law authorizes a housing authority to provide financing for the construction or rehabilitation of dwelling accommodations for persons of low income within its area of operation and for other persons, as prescribed

Existing law also authorizes a city or county to engage in the financing of multifamily rental housing and to issue revenue bonds for that purpose by entering into an agreement with the California Housing Finance Agency to issue bonds and to operate a program on behalf of the city or county.

This bill would additionally authorize a housing authority to assist prescribed housing projects; to develop, rehabilitate, or finance housing projects, including, but not limited to, prescribed multifamily rental housing projects; or participate in the development, rehabilitation, or financing of housing projects; or purchase, sell, lease, own, operate, or manage housing projects so assisted, subject to prescribed requirements.

(2) Existing law defines the term "housing project" for the purposes of the Housing Authorities Law, to mean any work or undertaking to be financed in whole or in part by the federal government or a state public body or to which the federal government or a state public body extends prescribed assistance for, among other purposes, to provide decent, safe, sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income

This bill would also make it a purpose of such assistance to provide such dwellings, apartments, or living accommodations to persons and households eligible for housing assistance pursuant to specified provisions which would be enacted by the bill.

(3) Existing provisions of the Housing Authorities Law define the term "persons of low income" to mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.

This bill would redefine the term "persons of low income" to mean persons or families whose income does not exceed the qualifying limits for lower-income families as established pursuant to Section 8 of the United States Housing Act of 1937, as prescribed, or persons or families eligible as lower-income households for assistance provided by state or federal housing programs intended primarily to assist lower-income households as defined by prescribed provisions.

(4) Existing law provides that, until January 1, 1984, the maximum rate at which bonds, notes, warrants, or other evidences of indebtedness of a local agency may bear interest is 12%. Existing law would reduce that rate to 10% for indebtedness incurred on or after January 1, 1984

This bill would conform specific provisions relating to the rate of interest paid by housing authorities to the existing law, except that no requirement would be imposed requiring that such rate be reduced for indebtedness incurred on or after January 1, 1984

Ch. 1139 (SB 1613) Alquist Public Utilities Commission: fees and reimbursements.

(1) Existing law provides for the support of the Public Utilities Commission from the General Fund for its regulation of public utilities such as water and sewer system corporations.

This bill would instead authorize the commission to require the payment of fees, established by the commission and approved by the Department of Finance, by water and sewer system corporations, based on a pro rata computation as determined by the commission. It would specify that every corporation may recover through rate increases annually the amount of those fees from its customers or subscribers.

The bill would authorize the commission to require the submission of information and reports necessary to enable the commission to ascertain the amount of the fees, and would require the deposit of these and certain other fees received by the commission in the Public Utilities Commission Utilities Reimbursement Account, which the bill would create in the General Fund

The bill would authorize the commission to suspend or revoke a person's or corporation's certificate of public convenience and necessity, permit, or other operating authority, to levy a penalty of not more than 25% of the fees due in the event of failure to pay the fee or to submit the required information or report, and to bring an action for enforcement It would specify that the fees, but not penalties, are ordinary operating expenses for rate-setting purposes

The bill would permit the commission, upon authorization of the Director of Finance, to borrow not to exceed $1,600,000 to implement these provisions from any fund or account deemed appropriate by the director, to be repaid with interest as specified.

The bill would also require the State Board of Equalization to establish the surcharge on the consumption of electricity in this state at the maximum authorized rate.

(2) Existing law provides that no public utility, including an electrical or gas corporation, shall construct or extend any line, plant, or system without first obtaining from the commission a certificate of public convenience and necessity.

This bill would require, in addition, that any electrical or gas corporation proposing to construct or modify any electric or gas plant costing over $100,000,000 to reimburse the commission for the expenses of such consultants or advisory services as the commission deems necessary for the processing of an application for certification of the plant or an application for approval of a rate increase to recover the costs of construction or modification of the plant.

The bill would also declare specified provisions relating to the jurisdictions of the Attorney General, the Department of Finance, and the Department of General Services, and to the requirements of specifications for bids, inapplicable to the commission for these purposes.

(3) The bill would, if AB 2361 is chaptered and adds specified provisions, either not become operative or be repealed depending upon the order of chaptering.

Ch 1140 (SB 2066) Petris. Vehicles. flammable substances.

(1) Under existing law, tank vehicles transporting certain loads of hazardous substances are required to avoid specified areas and routes and the Department of Transportation may prescribe a reduced speed for the movement of these vehicles on state highways

This bill would prohibit any tank truck, trailer, or semitrailer from transporting any explosive or flammable substance, as specified, through the Caldecott Tunnel at any time other than between the hours from 3 a m to 5 a m. The bill would also specifically authorize the Department of Transportation to determine and declare a reduced speed limit, as specified, appropriate for traffic safety through the tunnel between the hours of 3 a m. and 5 a.m.

The bill would provide that the provisions of this bill shall no longer be operative upon the Department of Transportation adopting or amending regulations with regard to the transportation of flammable substances through the Caldecott Tunnel.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(3) The bill would take effect immediately as an urgency measure

Ch. 1141 (SB 1736) Mello Developmental disabilities records

Existing law provides that all information and records obtained in the course of providing certain services to persons with developmental disabilities, or mental disorders shall be confidential, with specified exceptions. The State Department of Developmental Services and the State Department of Mental Health have authority to release certain information and records in specified circumstances

This bill would clarify the duties of the 2 departments by limiting the duties of the State Department of Developmental Services duties regarding confidentiality of information and records only to services provided under specified laws pertaining to developmentally disabled persons, and the duties of State Department of Mental Health duties

regarding confidentiality of information and records only to specified mental health services. The bill would permit or require the release of confidential information, in specified circumstances, to the coroner, authorized licensing personnel, to certain licensing boards, goverment law enforcement agencies, and the Department of the Youth Authority and Adult Correctional Agency.

The bill would require the professional in charge to enter certain information into the person's medical record when certain disclosures of confidential information are made.

The bill would permit any person to bring an action against an individual who willfully and knowingly releases confidential information or records in violation of the provisions of law relating to confidentiality of this information and records

Ch. 1142 (SB 2045) Robbins. Parking fees

Under existing law, parking fees for parking in state-owned, leased, or controlled parking facilities are deposited to the General Fund and appropriated continuously to the Department of General Services Parking Facilities Account for the construction, operation, and maintenance of parking facilities as specified. The unneeded balance of those funds is transferred to the unappropriated balance of the General Fund.

This bill would, notwithstanding those provisions, authorize the department to enter into agreements with the federal government and local agencies to implement demonstration employee mass transportation programs, as specified, in the Van Nuys State Office Building and would appropriate the revenue from parking fees generated in parking facilities leased by the state in the Van Nuys area to the project for a period not longer than the demonstration program implemented in the specified area.

The bill would take effect immediately as an urgency statute.

Ch 1143 (AB 855) Thurman Schools community colleges earthquake safety. relocatable buildings.

(1) Under existing law, school districts and community college districts are required to have certain buildings examined for safety for school use, and are required to repair, reconstruct, or replace unsafe buildings These provisions are known as the Field Act.

This bill would authorize the governing boards of the Merced River School District, the Vallecito Union School District, the Ferndale Elementary School District, the Merced City School District, the Winton School District, the Atwater Elementary School District, the McSwain Union School District, the Mendocino Community College District, and the Lake Tahoe Community College District, to use specified buildings for specified periods of time notwithstanding the provisions of the Field Act

(2) Existing law authorizes the governing board of any school district to lease relocatable structures or permanent school buildings for a term extending to the period of expected duration of use by the district, but not to exceed 10 years, as prescribed

This bill would specify that notwithstanding the provisions of existing law, the governing board of any school district which has entered into a joint powers agreement for the purpose of leasing relocatable structures to participating school districts, may lease the relocatable structures for a term extending to the expected duration of use by the district, but not to exceed 15 years.

(3) Under existing law, a regional occupational center or program may lease buildings of not more than one story or equipment for a term not to exceed 10 years without complying with specified provisions of the Education Code relating to the lease of school buildings and equipment or any other provisions of the Education Code However, with respect to other buildings and equipment, the Department of Education and the Department of General Services have specified duties and responsibilities to review and approve local action

This bill would specify that a regional occupational center or program may lease buildings of not more than one story or equipment for a term not to exceed 10 years, subject to an extension for a period not to exceed 10 years, without complying with any other provision of this code relating to the lease of school buildings or equipment.

Ch. 1144 (AB 3776) Elder. Housing

Existing law does not specifically authorize a state or local public retirement system or fund to contract with savings and loan associations to receive deposits of money of the fund or system for a term of 12 months or longer, if the association agrees to offer

residential construction loans in an amount equal to the amount of the deposit, at a rate of interest equal to the rate of interest on the deposit plus 200 basis points.

This bill would so provide, notwithstanding any other provision of law.

Ch 1145 (AB 2948) Felando Powerplants certification. notice of intent

Under existing law, any person proposing to construct a thermal powerplant on a site is required, with prescribed exceptions, to submit a notice of intention to file an application for the certification of the site with the State Energy Resources Conservation and Development Commission for the commission's approval. It requires the commission, except as prescribed, to issue a written decision on an application for certification of the site within 18 months of the filing of the application for certification

This bill would require the commission to issue its written decision on the application for certification of the site within 12 months if it is filed within 1 year of the commission's approval of the notice of intent to file an application for certification. The bill would provide for determination as to when an application would be considered filed for purposes of these provisions

Ch 1146 (AB 1830) Sher. Mobilehome parks

Existing law defines a mobilehome park as an area of land where 2 or more mobilehome sites are rented or held out for rent to accommodate mobilehomes used for human habitation. It also defines a recreational vehicle park as including an area or tract of land or a separate designated section within a mobilehome park where 1 or more lots are occupied by owners or users of recreational vehicles for travel or recreational purposes.

This bill would provide that, in any new mobilehome park that is developed after January 1, 1982, mobilehome spaces shall not be rented for the accommodation of recreational vehicles unless the mobilehome park has a specifically designated area within the park for recreational vehicles, which is separate and apart from the area designated for mobilehomes, and recreational vehicles may be located only in the specifically designated area.

The provisions of the bill would not apply to a new mobilehome park developed after January 1, 1982, until 75% of the spaces are rented for the first time.

Ch 1147 (SB 1464) Boatwright Occupational safety and health. tanks.

Under existing law, the Division of Occupational Safety and Health within the Department of Industrial Relations is required to inspect periodically tanks and issue permits for their use. The division is authorized to require the repair or alteration of tanks as necessary to render them safe to use

This bill would prohibit a local agency from denying a permit to repair an underground steel storage tank containing any motor vehicle fuel product not under pressure which has developed a corrosion-induced leak solely on the basis that the tank is to be repaired by an interior coating process

Ch. 1148 (AB 404) Tucker Public education employer-employee relations organizational security.

The existing law governing employer-employee relations in the public schools, including community colleges, permits the public school employer and the employee organization which is the exclusive representative of employees to agree to an organizational security arrangement, including one which requires an employee, as a condition of continued employment, either to join the employee organization, or to pay the organization a specified service fee

Existing law also authorizes the governing boards of school districts and community college districts to make deductions from the salaries of classified employees who are members of the employee organization that is the exclusive representative for the payment of dues or other services provided by the exclusive representative, and from the salaries of other classified employees who are not members for the payment of service fees as required by an organizational security arrangement between the exclusive representative and the public school employer. The organizational security arrangement is required to permit any employee who is not a member to pay service fees directly to the exclusive representative in lieu of the deduction.

This bill would, in addition, require the governing boards of school districts and

community college districts to make deductions from the salaries of certificated employees for the payment of service fees as required by an organizational security arrangement, and would require the governing board to deduct the actual costs of making the deduction from the amount transmitted to the employee organization, if the employee does not authorize a deduction for his or her pro rata share of the costs of making deductions

This bill would incorporate additional changes in Section 45060 of the Education Code proposed by AB 2467 and AB 2967, to be effective only if AB 2467, or AB 2967, or both, and this bill are chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1149 (AB 3652) N Waters. El Dorado Hills Community Services District.

(1) Under existing law, a community services district may sue and be sued in its own name, but such a district, with an express exception for the Golden Hills Community Services District, may not enforce covenants, conditions, and restrictions adopted for each tract, as defined in the bill, in the district and to assume and perform the duties of the architectural control committee for each such tract.

This bill would also authorize the El Dorado Hills Community Services District, upon approval of a majority of the voters voting on the proposition, to enforce such covenants, conditions, and restrictions and perform such architectural control duties. It would, however, permit the district to exercise the duties of an architectural control committee for any tract only to the extent authorized by the covenants, conditions, and restrictions applicable to the tract.

(2) Existing laws which prescribe the powers of community services districts contain no general authority for those districts to engage in activities relating to the provision of electricity to the district and inhabitants of the district

This bill would permit the Board of Directors of the El Dorado Community Services District, by resolution, and, upon approval of a majority of the voters voting on the proposition, to authorize the district to acquire, construct, own, operate, control or use, inside or outside the boundaries of the district, works for supplying its inhabitants with electricity. However, with regard to any works or facilities of any privately owned public utility that is doing business in El Dorado County on January 1, 1983, the bill would prohibit the district from acquiring, except by mutual consent between the district and the private public utility, any of these works or facilities for the generation of electric power, or from taking possession of any of these works or facilities prior to judgment in an eminent domain proceeding The bill would permit the district to issue revenue bonds in accordance with specified provisions of law

(3) The bill would declare the necessity for a special act for the El Dorado Hills Community Services District.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1150 (AB 3672) Thurman State agricultural policy

Existing law declares that the provisions of the Food and Agricultural Code are enacted for the purposes of promoting and protecting the agricultural industry of the state and for the protection of the public health, safety, and welfare.

This bill would state that the Legislature shall provide for a continuing sound and healthy agriculture in California, and shall encourage a productive and profitable

agriculture, by reviewing the impact of actions taken on specified factors which form an agricultural policy.

Ch. 1151 (AB 3770) Deddeh. State property. sale or exchange

This bill would authorize the Director of General Services, with the approval of the Director of Corrections and the State Public Works Board, to sell or exchange at fair market value, and upon terms and conditions which the director determines to be in the best interest of the state, approximately 320 acres of land located in the County of San Diego, as specified.

This bill would also provide that prior to the disposition of the real property, the director shall offer a right of first refusal to 10 acres thereof to any public entity leasing that real property; that the disposition of the real property shall be exempt from certain provisions of law relating to the disposition of surplus properties, as specified, and from provisions of law requiring an environmental impact report, that the director shall accept and reserve to the state all mineral deposits below 500 feet; and that funds obtained in excess of the land exchange shall revert to the Department of Corrections to be used for specified purposes.

This bill would take effect immediately as an urgency statute

Ch 1152 (AB 3803) Filante State employees: health benefits

Under the Public Employees' Medical and Hospital Care Act, health benefits plan coverage is provided for public employees and annuitants meeting the eligibility standards prescribed by the Board of Administration of the Public Employees' Retirement System.

This bill would provide for enrollment in an approved health benefit plan, as specified, for certain state miscellaneous members who retired for disability and enrolled in a rehabilitation program, as specified, and were ~~misinformed regarding the procedure for disability retirement~~ [enrolled in a health benefit plan at the time of separation from active employment]*

The provisions of this bill would be repealed on February 1, 1983

This bill would take effect immediately as an urgency statute.

Ch 1153 (AB 2895) Roos. Employment agencies.

Existing law does not require the Bureau of Employment Agencies to have specific written guidelines governing procedures for the handling of complaints.

This bill would require the Bureau of Employment Agencies, on or before July 1, 1983, to adopt and place into effect written operating guidelines for complaint-handling procedures, as specified

Ch. 1154 (AB 3024) Moore Public Employees' Retirement System.

The existing Public Employees' Retirement System Law accords members various optional settlements and generally requires the election to be made on or before retirement

This bill would authorize a retired member who chose no optional settlement or optional settlement one at retirement to elect for a lesser lifetime allowance and name his or her spouse, as defined, as beneficiary under one of the optional settlements. The election would be irrevocable and must be made within one year after the person who is designated as beneficiary becomes a spouse, as defined, or by July 1, 1983

Ch 1155 (AB 3161) Papan Joint Legislative Retirement Committee composition —duties

Existing law establishes the Joint Legislative Retirement Committee and prescribes its composition and powers and duties.

This bill would. revise the composition of the joint committee, require transmission of a copy of each bill affecting any public employee retirement system to the joint committee which must transmit to the policy committee an analysis, as specified, require establishment of a board of experts, as specified, the retention as a consultant therefor, an independent actuary, and reimbursement of the board's actual and necessary expenses, and require an annual specified joint meeting to review, as specified, the performance of the systems, with specified reports

Ch 1156 (AB 3208) Hughes. Civil service examinations: career credits.

Existing law provides that, in an examination held on an open, nonpromotional basis, a competitor who has civil service status or who has reinstatement rights to a civil service position, and who passes the examination, shall have 3 career credits added to his or her score.

This bill would provide that, in an examination held on an open, nonpromotional basis, as specified, a competitor who has served at least 1 full year in or who is a graduate of the California Conservation Corps, and who passes the examination, shall have 3 career credits added to his or her score It would provide that eligibility for those career credits shall expire 18 months after graduation from the corps.

Ch. 1157 (AB 2833) N Waters. Prisoner of war special license plates. funds

Existing law authorizes, as part of the California Environmental Protection Program, the issuance of prisoner of war special license plates to former prisoners of war for an extra registration fee of $25, and requires an extra annual renewal fee for these license plates. These fees presently are deposited in the California Environmental License Plate Fund and are available upon appropriation by the Legislature for the California Environmental Protection Program Existing law also directs the Commandant, Veterans' Home of California, to maintain a post fund for the general welfare of the home and its members.

This bill would require the Controller to transfer to the post fund all revenue derived from the issuance of prisoner of war special license plates, less the administrative costs of the Department of Motor Vehicles, thereby making an appropriation The bill would also delete the requirement of the additional $10 annual renewal fee for these special plates.

The bill would incorporate changes in Section 5106 of the Vehicle Code proposed by SB 1408, which would become operative only if both bills are chaptered and this bill is chaptered last.

Ch 1158 (AB 2906) Lehman. Solid waste

(1) Existing law provides for the State Solid Waste Management Board and its membership, powers, and duties

This bill would rename the board the California Waste Management Board and revise its membership so as to no longer require that the appointed members who are city council members and county supervisors represent municipalities with a specified population, and no longer require that the State Director of Health Services, the Director of Food and Agriculture, and the Chief of the Division of Mines and Geology of the Department of Conservation serve as nonvoting ex officio members

(2) Existing law requires each county to prepare a comprehensive, coordinated solid waste management plan for all waste disposal within the county, as specified. Each county is required to amend that plan to include any project for the conversion of solid waste into energy, synthetic fuels, or reusable material, which is located within the county and selected by the board, before the implementation of the project. The determination of the project's waste sources is subject to the board's approval and the board can require an adequate identification of those sources.

This bill would repeal those provisions requiring the county to amend the plan to include these projects, and authorizing the board regarding waste identification and determination, as specified above

(3) Existing law also requires that any person operating or proposing to operate a solid waste facility acquire a solid waste facilities permit from an enforcement agency, as designated by each county The enforcement agency is authorized to issue a solid waste facilities permit if the board has concurred in the permit and if the enforcement agency finds, upon the basis of substantial evidence, that the proposed permit is consistent with both the county solid waste management plan and standards adopted by the board.

This bill would prohibit an enforcement agency from issuing, and the board from concurring in the issuance of, a solid waste facilities permit to any stationary project designed to convert solid waste from offsite sources into energy or synthetic fuels until the enforcement agency makes certain findings, including, among other things, that the project is consistent with the county's solid waste management plan, and the state's solid waste management policy and that the project has a defined and guaranteed source of quantities of waste The bill would specify that facilities for the recovery of methane gas

are not subject to these provisions.

(4) Existing law authorizes a local agency, as defined, to contract for facilities for the conversion of solid waste into energy, synthetic fuels, or reusable materials. A local agency is required to request proposals for these projects from qualified business entities before awarding the contract

This bill would authorize a local agency to enter into an agreement with other local agencies or into a contract with a business entity, as defined, for construction of these facilities. The bill would delete the requirement that local agencies request proposals from qualified business entities, and would, instead, authorize local agencies to request these proposals from qualified business entities before either awarding a contract or entering into an agreement for construction of these facilities.

(5) Under existing law, county sanitation districts are authorized to fix and collect a fee or charge in connection with a refuse or disposal system, but are prohibited from using the revenues from these charges for refuse transfer or disposal systems unless these systems are open to all persons in the district.

This bill would additionally permit a county sanitation district to use these revenues for refuse transfer or disposal systems if the system is a facility for the conversion of solid waste into energy, synthetic fuels, or reusable materials

(6) This bill would define "recycling" as meaning the process of sorting, cleansing, treating, and reconstituting waste or other discarded materials for the purpose of using the altered form.

(7) This bill would require the board to study the effects of defining the sources of waste for stationary projects designed to convert solid waste from offsite sources into energy and synthetic fuels.

Ch 1159 (SB 1971) Marks. Joint powers agreements.

Existing law authorizes 2 or more public agencies, as defined, to jointly exercise any power common to the contracting parties.

This bill would expressly permit any joint power entity created to exercise specified powers relating to making redevelopment construction loans or residential rehabilitation loans to issue revenue bonds

Ch 1160 (SB 1764) Marks. Residential rehabilitation

Existing provisions of the Marks-Foran Residential Rehabilitation Financing Act of 1973 authorize cities, counties, redevelopment agencies, and housing authorities to make long-term, low-interest loans to finance defined residential rehabilitation in depressed residential areas designated as residential rehabilitation areas

This bill would authorize such loans to be made for move-on residences, defined as a previously occupied single family or multifamily residential structure moved from a location to a vacant lot inside a residential rehabilitation area, or outside a residential rehabilitation area if the single family or multifamily residential structure is for occupancy for persons of families of low or moderate income, and would exempt that loan from certain limitations for financing rehabilitation of existing residences

This bill would also authorize these loans to be made for a qualified home improvement loan, as defined

Ch. 1161 (SB 1765) Marks. Housing redevelopment.

Under the existing Community Redevelopment Law, certain redevelopment agencies are authorized to finance multifamily housing units outside redevelopment project areas to be occupied by or intended for occupancy by defined persons and families of low or moderate income These provisions would remain in effect until January 1, 1983.

This bill would extend the termination date to January 1, 1984, and provide that such multifamily housing units be occupied by or intended for occupancy by these persons or families to the extent required by the federal Internal Revenue Code.

Ch. 1162 (SB 1909) Beverly Mobilehomes.

(1) Under existing law, there is the Mobilehomes Manufactured Housing Act of 1980, under which the Department of Housing and Community Development regulates the titling and registration, occupational licensing, advertising, and commercial transactions relating to mobilehomes, manufactured homes, recreational vehicles and commercial

coaches. Existing law defines "licensee," "manufacturer," and "salespersons," for the purposes of that act, to include a representative, and defines a representative to mean any person employed by a manufacturer or distributor for the purpose of negotiating or promoting the sale of the manufacturer's or distributor's mobilehomes or commercial coaches to their franchisees, retailers, or authorized dealers or for regularly supervising or contracting franchisees or prospective franchisees in California for any purpose.

This bill would revise the definition of a licensee and would repeal the provisions in that law relating to mobilehome representatives.

(2) Existing law makes it unlawful for a mobilehome dealer to do prescribed acts, including refusing to sell a mobilehome or commercial coach to anyone at the advertised total price, as specified, and engaging in the business for which the dealer is licensed without at all times maintaining an established place of business.

This bill would delete the provision relating to the sale of a mobilehome or commercial coach at the advertised total price, and would make it unlawful to fail to exercise reasonable supervision over the activities of employees who negotiate or promote the sale of manufactured homes, mobilehomes, or commercial coaches

This bill would additionally make it unlawful for a dealer to offer for sale, rent, or lease in California, a new mobilehome, manufactured home, or commercial coach whose manufacturer is not licensed pursuant to the Mobilehomes Manufactured Housing Act of 1980

(3) The bill would also make it unlawful for a licensed manufacturer or distributor to fail to exercise reasonable supervision over the activity of employees who negotiate or promote the sale of manufactured homes, mobilehomes, or commercial coaches.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1163 (AB 495) Bates Municipal elections

(1) In connection with a special election to fill a vacancy in a city office, existing statute authorizes the governing body of a city to appoint the sole nominee to the office, or, if there is no nominee for the office, to appoint any eligible elector to fill the vacancy, or to hold the election

This bill would authorize the legislative body of a city to undertake similar courses of action in connection with a regularly scheduled municipal election when no one or only one person has qualified for nomination to a city office.

It would also require the city clerk, in connection with both elections, to publish a prescribed notice

(2) Existing law prohibits commencing recall proceedings against an officer of a city, if the officer has not held office during the current term for more than 90 days or when a recall election has been determined in the officer's favor within the last 6 months

This bill would exempt from the above provision city officers who were not nominated but have been appointed to office

(3) Existing law provides for the qualification of a petition to amend or repeal the charter of a city or city and county and the manner of submission of the proposal to a vote of the electors Among other things, that law provides for the submission of a qualifying petition to the voters at the "next regular municipal election" conducted within a specified amount of time

This bill would provide for the submission of a qualifying petition at the next regularly scheduled or established election, rather than the "next regular municipal election."

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1164 (SB 705) Keene. Public resources. parks, beaches, and historical resources.

(1) The Budget Act of 1982 appropriates $554,000 from the Parklands Fund of 1980 to the Department of Parks and Recreation for restoration at Fort Humboldt State Historic Park.

This bill would amend and supplement the Budget Act of 1982 by adding a proviso that none of those funds may be encumbered unless and until the department has consulted fully with specified entities

(2) The Budget Act of 1982 contains a proviso prohibiting the expenditure of an appropriation of $125,000 from the Parklands Fund of 1980 to the department for the continuing restoration of Kuskov House at Fort Ross State Historic Park if this bill is enacted into law

This bill would amend and supplement the Budget Act of 1982 by providing that that proviso is null and void and has no force or effect.

(3) The bill would appropriate $50,000 from the California Environmental License Plate Fund to the Department of Boating and Waterways for allocation as a grant to Humboldt County for emergency beach erosion control at King Salmon on Humboldt Bay. This appropriation would be operative only if SB 1408 is chaptered

(4) Existing law requires all units which are or shall become a part of the state park system to be classified by the State Park and Recreation Commission into one of specified categories. Existing law also requires a general plan to be prepared by the Department of Parks and Recreation and approved by the commission prior to development of the unit.

This bill would exempt the reconstruction of the historic chapel at the El Presidio Santa Barbara project from those requirements.

(5) The bill would require the Department of Parks and Recreation, using available funds, to prepare a general plan for the state redwood parks in Del Norte and Humboldt Counties and to prepare a comprehensive study of state park system properties along and adjacent to State Highway Route 1 in Marin, Mendocino, and Sonoma Counties The plan and the study would be required to be submitted to the Legislature on or before specified dates

(6) The bill would authorize, upon the request of specified relatives and the approval of the Director of Parks and Recreation, as specified, the interment of the remains of William Randolph Hearst and of his spouse and children on land owned by the Hearst family immediately adjacent to the Hearst San Simeon State Historical Monument.

(7) The bill would declare the provisions of paragraphs (1), (2) and (5), above, shall be known as the Redwood Empire Parks Development Act of 1982.

(8) The bill would take effect immediately as an urgency statute.

Ch 1165 (SB 47) Boatwright. CSU· fees and charges

Existing law authorizes the Trustees of the California State University to require all persons to pay fees, rents, deposits, and charges for services, facilities, or materials provided by the trustees, except that fees relating to parking are subject to the approval of the Director of General Services. The chief fiscal officer of each campus of the university is directed to deposit the fees and charges received for services and materials into trust accounts or in the California State University and Colleges Trust Fund, a continuously appropriated fund

This bill would delete the requirement that the Director of General Services approve fees relating to parking. This bill would also require the chief fiscal officer of each campus to deposit the fees and charges received for the use of facilities in the same manner as fees and charges received for services and materials.

Ch. 1166 (SB 350) Boatwright. Elections.

(1) Existing law sets forth various procedures to register citizens to vote

This bill would make revisions in those procedures.

(2) Existing law allows any voter unable to go to the polls because of illness or disability, or physical handicap, as specified, to have delivered by an election official to any authorized representative of the voter who presents a specified written statement, a ballot. It requires that before delivering the ballot, the official compare the signature on the request with the signature on the voter's affidavit of registration.

(3) Existing law requires a new resident to place his or her ballot in a specified envelope which on the other side has a printed affidavit, attesting to the new resident s

citizenship.

This bill would provide, instead, that on the other side of the envelope, a printed declaration regarding a new resident's citizenship be provided and require the person to sign the declaration under penalty of perjury.

This bill would provide that the signature may be compared before delivering the ballot, but in any event, shall be compared before the absent voter ballot is canvassed.

(4) Existing law requires the Secretary of State to mail ballot pamphlets, as specified

This bill would require the Secretary of State to mail ballot pamphlets to the county clerk in those instances where the clerk does not use data processing equipment to store information obtained from affidavits of registration, not less than 45 days before the election

(5) Existing law provides that a local initiative petition may be passed by a board of supervisors or be submitted to the voters at a special election if the petition is signed by not less than 20% of the voters voting at the last gubernatorial election, or if neither of the preceding occur, submitted by the board at the next statewide election if the petition is signed by not less than 10% of the voters voting at the last gubernatorial election

This bill would provide for the aforementioned submission of the petitions if the petitions are signed by the requisite number of voters voting at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition

(6) Existing law defines the term "proponent or proponents of an initiative or referendum measure"

This bill would revise that definition with respect to statewide initiative and referendum measures and for all other initiative and referendum measures

This bill would make other related technical changes in the law.

(7) Existing law requires the Secretary of State, in consultation with the Controller, to develop a formula for the reimbursement of costs incurred by counties in the undertaking of certain voter registration programs and in the distribution of voter registration cards

This bill would clarify the provisions for which reimbursement is permissible

In addition, the bill would incorporate in Section 1006 changes proposed by AB 350.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1167 (SB 656) Speraw Coastal zone. wetlands: boating facilities.

The California Coastal Act of 1976 generally provides for the planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act.

These policies, among other things, allow diking, filling, or dredging of a degraded wetland for boating facilities if, in conjunction with those facilities, a substantial portion of the degraded wetland is restored, and limit the size of the wetland area used for the facilities to 25% of the portion to be restored

This bill would modify that policy statement to allow the degraded wetland area used for boating facilities to be up to 25% of the degraded wetland

Ch 1168 (SB 1293) Petris. Sales tax.

(1) Existing California Sales and Use Tax Law imposes a state sales and use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from such tax.

Moreover, counties and cities are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse

counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

Under existing law, specified nonprofit associations commonly called the Friends of the Library and equivalent organizations performing the same type of service for certain public libraries are consumers rather than retailers of tangible personal property sold by them for purposes of sales and use taxes

This bill would provide that certain nonprofit associations and equivalent organizations performing auxiliary services to any city or county museum in the state are consumers rather than retailers of tangible personal property sold by them at an annual rummage sale for purposes of the sales and use taxes

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

(2) Under existing law, a county is authorized to impose a tax, in one-cent increments, per gallon on motor vehicle fuel on a countywide basis, if a proposition granting the authorization is approved at an election, the county and cities have a written agreement on allocation of the tax revenues, and the proposition is approved by the board of supervisors and by a majority of the city councils having a majority of the population in the incorporated area of the county. The county is required to contract with the State Board of Equalization for administration of the tax and to reimburse the state board for administrative expenses of collection. The state board, after deduction of administrative costs, is required to transmit the net revenues to the county and cities in accordance with the allocation agreement.

The bill would instead require the state board to transmit the new revenues to the county only and then the county would be required to distribute the revenues in accordance with the allocation agreement between the county and cities.

Ch. 1169 (SB 1341) Robbins. The sale of petroleum products· gasoline advertising.

Existing law requires persons who sell gasoline to advertise the price on a sign or advertising with letters of a particular size for the price, brand or grade, and the conditions of sale for the price advertised under specified conditions.

This bill would provide that nothing shall prohibit a person who has a sign or advertising in conformity with the above provisions from displaying any additional sign or advertising stating the price of one or more brands or grades of gasoline sold or offered for sale at the premises, provided that the conditions of the sale are included in the additional sign or advertising The words explaining the conditions would be required to be clearly shown in letters at least ⅓ the size of the numerals indicating the prices.

Existing law provides that specified provisions relating to the posting of octane numbers shall not be operative unless and until the Federal Trade Commission or any federal governmental agency adopts regulations relating to posting of octane numbers, in which case the specified provisions shall become operative at the time designated in the regulations.

This bill would repeal this provision of law, which designates the time at which specified provisions relating to the posting of octane numbers shall be operative.

The bill would make various technical changes.

This bill would make additional changes to Section 13531.5 of the Business and Professions Code, proprosed by AB 3373, if both bills are chaptered and this bill is chaptered last.

Ch. 1170 (AB 2715) Frazee District Reorganization Act of 1965; fire protection districts

(1) Existing provisions of the District Reorganization Act of 1965 generally permit Local Agency Formation Commissions (LAFCOs) to authorize boards of supervisors to order the consolidation or reorganization of 2 or more districts (1) without notice and hearing by the board of supervisors, (2) without an election, or (3) both, if the legislative bodies of each of those districts vote unanimously to adopt substantially similar resolutions of applications making proposals for consolidation or reorganization of those districts.

This bill would, instead, require LAFCOs to approve, or conditionally approve, a proposal for the consolidation or reorganization of 2 or more districts if a majority of the members of each of the legislative bodies of each of those districts adopt substantially

similar resolutions of application making proposals for consolidation or reorganization of those districts. The LAFCOs would be required to authorize the board of supervisors to order the consolidation or reorganization without an election, except that the board of supervisors would be required to submit the proposal for confirmation by the voters if a specified number of persons file a petition requesting an election

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1171 (AB 2660) Levine South Coast Air Quality Management District: board of directors.

(1) Under the Lewis Air Quality Management Act, the South Coast Air Quality Management District is governed by a 10-member appointed board of directors, including one member, who is a resident of the district and not a public official, appointed by the Governor with the advice and consent of the Senate. The board also includes one member of any city council in those portions of the Counties of San Bernardino and Riverside within the district.

This bill would increase the district board of directors to 14 members One additional member would be another member of the Board of Supervisors of Orange County appointed by the board of supervisors Two of the additional members would be required to be public members who have demonstrated interest or expertise in air pollution and who are residents of the district, and may be elected public officials, with one of the members to be appointed by the Senate Rules Committee and the other member to be appointed by the Speaker of the Assembly One member would be a member of a city council from that portion of Riverside County within the district and one member would be a member of a city council from that portion of San Bernardino County within the district instead of one member representing the portion of both counties within the district

The bill would also require any member to attend at least 50% of the regular board meetings or be replaced.

(2) Under the act, a majority of the members of the district board constitute a quorum, and a majority is required for official action by the district board

The bill would require 8 members of the district board for a quorum and for the taking of official action by the district board.

(3) Under the act, each member of the board who is a member of a board of supervisors is authorized to appoint an alternate

The bill would authorize a member who is a member of the Los Angeles City Council to appoint an alternate.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1172 (AB 2409) Bates Psychology clinics. licensure

Existing law provides for the licensure by the State Department of Health Services of psychology clinics, as defined Existing law further provides that authorization for these clinics expires January 1, 1983.

This bill would, instead, repeal the provision on January 1, 1988. The bill would require psychology clinics to comply with fire and public safety provisions of the State Fire Marshal.

Ch. 1173 (AB 2046) Deddeh Motor vehicles emissions parts. recalls: warranties.

(1) Existing law authorizes the State Air Resources Board to require the recall of vehicles or engines to make corrections in emission control systems or components in accordance with regulations of the state board. The adopted regulations, among other things, authorize the executive officer of the state board to require recalls of vehicles certified under optional standards during the first 75,000 miles or 7 years, whichever occurs first

This bill would statutorily authorize the state board to require this recall now authorized by administrative regulation

(2) Existing law requires the manufacturer of each motor vehicle and each motor vehicle engine to warrant to the ultimate purchaser and each subsequent purchaser that emissions parts on the vehicle or engine are free from defects in materials and workmanship during its "useful life," as defined.

This bill would revise the definition for "useful life "

Ch 1174 (SB 1512) Robbins Financing statements

Existing law provides that in order to effect a valid transfer, an indorsement on a negotiable instrument must be written on the instrument itself or on a paper so firmly affixed thereto as to become a part of the instrument Case law has interpreted this provision to mean that a signature on a paper attached to a negotiable instrument will qualify as an effective indorsement where there is insufficient space to write the indorsement on the instrument itself.

This bill would provide that an indorsement on a paper affixed to a negotiable instrument is valid and effective even though there is sufficient space to write an indorsement on the instrument itself It also expresses the intent of the Legislature that the amendments to Section 3202 of the Commercial Code shall only be given prospective application

Existing law specifies the required form for a financing statement which is filed as a fixture filing or covers collateral consisting of timber, minerals, or similar resources or products, or accounts

This bill would make various changes in the recitations which are required to be contained in these financing statements It also would exempt any person or entity recording a financing statement in the real estate records on behalf of a party to the financing statement from liability for any consequences of the recordation.

The bill would also revise the requirements for a continuation statement for fixture filings, as specified.

The bill would also provide that any financing statement or continuation statement filed on or after July 8, 1981, which meets the requirements specified in the bill shall be deemed sufficient and effective.

This bill would take effect immediately as an urgency statute

Ch 1175 (SB 1444) Montoya Public Utilities Commission telephone directory advertising

Under existing law, the Public Utilities Commission may generally supervise and regulate the equipment, practices, facilities, rates, and services of every privately owned public utility in California, including telephone corporations

Existing law also specifies that the commission shall have no jurisdiction over classified telephone directories or commercial advertising included as part of a telephone corporation's alphabetical telephone directories, except that the commission is required to investigate and consider revenues and expenses from that advertising for ratemaking purposes for other services Existing law repeals these provisions as of January 1, 1983

This bill would delete that repealer, and provide that, if the commission determines, after a hearing, that any federal action, as defined, would impair the commission's ability to so investigate and consider revenues and expenses, the commission would have the jurisdiction to regulate commercial advertising in directories That jurisdiction would be limited to the rates and charges for commercial directory advertising, except that the commission would be required to investigate and consider revenues and expenses related to that advertising for the purpose of establishing rates for other services offered by telephone corporations The commission would, however, have no jurisdiction over the form and content of the advertising or of the directories, directory advertising practices, the determination of the geographic areas served by the directories, or complaints by

any corporation or person regarding directory advertising.

The bill would also authorize the commission, by its own motion or on the petition of any telephone corporation, and after a hearing, to relinquish that jurisdiction, except its jurisdiction to investigate and consider revenues and expenses related to the advertising, if it determines that relinquishing the jurisdiction will not affect its ability to investigate and consider those revenues and expenses.

The bill would take effect immediately as an urgency statute

Ch. 1176 (SB 1415) Montoya Boxing

Existing law provides that there are 5 members of the State Athletic Commission appointed by the Governor

The bill would increase the membership of the commission to 8 persons, as specified, and would provide that of the additional 3 members, one is to be appointed by the Senate Rules Committee, one by the Speaker of the Assembly, and one by the Governor.

Existing law requires the State Athletic Commission to establish the glove weights and equipment standards used in boxing matches and sparring contests. All gloves used by contestants must be padded, as specified, but there are no provisions regarding thumbless gloves.

This bill would require that all gloves used in amateur and professional boxing contests be constructed so that the thumb is not detached from the glove where injury could result The bill would require the commission to require the mandatory use of the gloves commencing January 1, 1984. [The bill also would prescribe standards for ring floor padding.]*

This bill would further provide, however, that the commission may exempt a title fight, as defined by the commission, from the thumbless glove requirements [and other specified requirements relating to ring floors and ring floor padding]*

~~The bill also would prescribe standards for ring floors and ring floor padding.~~*

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1177 (AB 3488) Imbrecht. State research contracts.

Existing law provides that all contracts for services entered into by any state agency, with certain specified exceptions, are of no effect unless and until approved by the Department of General Services.

This bill would require a state agency, when contracting for research services, except for agricultural or medical research services, to, at the same time such requests are circulated to members of the private sector, circulate requests for proposals to perform the research services to the appropriate officer at each campus of the University of California and the California State University, for distribution to the faculty If any faculty members are interested in the request, the officer would be required to notify the agency within a specified time period Those interested faculty members would have 30 days from the date on which the request was circulated to submit their proposals to perform the research services to the agency.

The provisions of this bill would not apply to research projects relating to postsecondary education determined by the agency to involve a conflict of interest, nor to any contract for research services entered into by the California Postsecondary Education Commission.

Ch. 1178 (AB 3003) Cortese. Cities: annexation procedures: Santa Clara County

(1) Existing law defines the term "urban service area" for purposes of the Municipal Organization Act of 1977. Among other things it requires that an urban service area boundary be delineated and adopted by mutual agreement of a local agency formation commission and a city, as specified. These provisions are to be effective only until January 1, 1988

This bill would require that an urban service area boundary be developed in coopera-

tion with a city and adopted by the local agency formation commission. This bill would also continue these provisions in effect until January 1, 1989.

(2) Under current law, a local agency formation commission may establish a schedule of processing fees for the estimated expenses of its preliminary proceedings relating to city incorporation or municipal reorganization.

This bill would establish similar provisions permitting a conducting authority to set processing fees for the estimated expenses of complying with required or authorized procedures for later stages of the incorporation or reorganization process. The fees would be limited to the amount reasonably required by the conducting authority to so comply The bill would also require that notification of the fee schedule be given to the chief petitioners of a proposed city incorporation or reorganization.

(3) Existing law which prescribes procedures for the annexation of territory to, or for the reorganization of, cities requires that a proposal be reviewed and approved by the local agency formation commission and that, except in certain circumstances, an election to approve the annexation be conducted in the territory to be annexed.

This bill would remove the authority of the local agency formation commission of Santa Clara County to review any proposed annexation of territory to a city, or reorganization of a city which includes an annexation, in that county if the territory to be annexed is in the urban service area of the city and the proposal for annexation was initiated by the city within 2 years following delineation and adoption of the urban service area by the local agency formation commission. The bill would require the legislative body of the city proposing the annexation or reorganization to make various specified findings, and would provide for an appeal to the local agency formation, upon petition signed by 50 registered voters of the county, of a city's proposed annexation or reorganization which involves territory with a land use designation which has changed since the commission last adopted the city's urban service area. This bill would also authorize an appeal to be made to the commission by submission of a resolution of appeal adopted by the legislative body of the affected special district, of the city's proposed annexation or reorganization. These provisions would be effective only until January 1, 1989.

(4) Existing law requires that proceedings for a proposed municipal reorganization which does not consist solely of annexations or detachments or both be either terminated or submitted to the voters of the affected territory if specified percentages of the voters of the affected territory protest the reorganization

This bill would require the proceedings to be terminated if a protest is filed by any city from which territory would be detached or otherwise removed pursuant to the proposed reorganization

(5) Existing law authorizes a local agency formation commission to adopt rules and regulations for disqualification of members from participating in proposals before the commission

This bill would, with certain exceptions, permit a city selection committee, at the time it appoints a member or alternate member to a LAFCO, to provide that member or alternate is disqualified from voting on annexations to the city of which such member is a representative

(6) This bill would incorporate additional changes in Section 54784 of the Government Code proposed by AB 2004 to become operative only if this bill and AB 2004 are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(8) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 1179 (SB 1631) Mello Physicians and surgeons.

Existing law provides that when a physician and surgeon, or podiatrist is mentally ill to the extent that the person's ability to practice is impaired, the Division of Medical Quality of the Board of Medical Quality Assurance may order the person to be examined by one or more physicians and surgeons specializing in psychiatry. The law provides that the reports of the examining physicians and surgeons are to be made available to the person examined and may be received as direct evidence in a proceeding by the division to revoke or suspend the license of that person

This bill would include the condition of being physically ill in those provisions, would delete the requirement that the examining physician be a psychiatrist but provide that the examining physician be in the appropriate specialty, and would require that the report of the examiners be confidential except in an adjudicatory hearing, in which the licensee is a respondent, conducted pursuant to the Administrative Procedure Act, as specified The bill would require the division to purge all information relating to the mental illness issue if the division determines that there is no cause for proceeding under the Administrative Procedure Act.

Ch. 1180 (AB 1396) Filante State employment procedures.

Existing law does not require the use of standard employment, licensing, and registration forms by state agencies.

This bill would provide that the State Personnel Board and the Department of Fair Employment and Housing shall review and develop standard employment forms and licensing and registration forms which must be used by all state agencies, except as specified.

This bill would provide that a violation of the provisions of this bill shall constitute an unlawful employment practice, subject to enforcement by the Department of Fair Employment and Housing and by the State Personnel Board, pursuant to specified provisions

Ch. 1181 (AB 964) Felando. Rehabilitation services.

Existing law provides for various programs to be administered by the State Department of Rehabilitation utilizing state funds and federal funds from the United States Office of Special Education and Rehabilitation Services

This bill would provide that the State Department of Rehabilitation shall make 2 annual reports to the Legislature concerning administration and performance of programs utilizing these funds, as specified.

Ch 1182 (AB 2424) Nolan. Personal income tax: bank and corporation tax withholding notices.

Under existing Personal Income Tax Law and Bank and Corporation Tax Law, the Franchise Tax Board may, by notice, require various entities to withhold property of a taxpayer and transmit it to the Franchise Tax Board if a taxpayer has a tax liability without liability to the taxpayer, unless the property withheld is returned to the withholding agent

This bill would require the notice to state the amount due from the taxpayer and be delivered or mailed to the branch or office where the credits or other property is held, with specified exceptions [, and would absolve specified financial institutions from liability to persons who have an interest in a depository account with a delinquent taxpayer, where funds in the account are transmitted to the Franchise Tax Board]* This bill would require depository institutions, as defined by federal law, to transmit amounts due from a taxpayer to the Franchise Tax Board not less than 10 days from receipt of the notice.

Ch 1183 (AB 3522) Filante Business and professions

Existing law authorizes certain boards within the Department of Consumer Affairs, such as the Board of Medical Quality Assurance, to require a licentiate to be examined by two or more physicians and surgeons whenever it appears that any person holding a license issued by the board is mentally ill to the extent the licensee's ability to practice his or her profession is impaired and to revoke or suspend the license if the licensee is so impaired.

This bill would delete existing provisions relating to the above for dentists, licensees of the Medical Practice Act, psychologists, social workers and marriage, family and child counselors and would enact similar provisions generally and have them apply to any licensee of the healing arts division of the Business and Professions Code, the Chiroprac-

tic Act, the Osteopathic Act, or any social worker or marriage, family and child counselor and would authorize the specified licensing agencies to order an examination by one or more physicians and surgeons or psychologists when any licensee appears unable to safely practice his or her profession because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency The bill would provide for the revocation or suspension of a license if the licensing agency determines that the licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency

The bill would authorize any licensing agency to convene in closed sessions to consider any evidence relating to a licentiate's mental or physical illness

Ch. 1184 (AB 1805) Felando Elder abuse data.

Existing law does not provide for a system of reporting and gathering data concerning abuse to dependent adults.

The bill would provide that the State Department of Social Services shall submit a report to the Legislature and the Governor on the characteristics of abuse victims, with the report to cover specified areas of ~~injury~~ [inquiry]*

The bill would also permit individuals to report witnessed or suspected cases of abuse, neglect, or abandonment of dependent adults to county adult protective services agencies.

The bill contains provisions limiting civil and criminal liability of persons voluntarily reporting cases of suspected abuse to those cases where the person made the report in bad faith or had a malicious purpose.

The bill would also provide that it would be an unfair employment practice for an employer, a labor organization or an employment agency to commit specified acts against a person for reporting cases of suspected abuse

The bill provides that a county, or its contractual agent shall keep an inventory of service providers in order to assist those dependent adults who are reported as subjects of abuse. The bill provides that referrals from this inventory shall be made when the county is unable to otherwise assist the dependent adult as specified.

[The provisions of this bill requiring the reporting of suspected instances of abuse of dependent adults, and related provisions, would be repealed on January 1, 1986]*

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

Certain provisions of this bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The bill would incorporate additional changes in Section 12940 of the Government Code proposed by AB 1985, to be effective only if AB 1985 and this bill are chaptered and this bill is chaptered last.

Ch. 1185 (SB 1645) Sieroty. Subdivisions: time-share estates.

(1) Existing law requires the owner, his or her agent, or the subdivider, to file a notice of intention to sell or lease, containing specified information, with the Real Estate Commissioner prior to the time when subdivided lands are to be offered for sale or lease. A violation of this provision is a crime. The commissioner is then required to investigate the proposed subdivision, and either issue a subdivision public report authorizing such sale or lease, or deny the public report on specified grounds. "Subdivided lands" and "subdivision" for such purposes includes among other things, a time-share project consisting of 12 or more time-share estates or time-share uses, with certain exceptions, having terms of 5 years or more, or having terms of less than 5 years which also include options to renew.

This bill would revise the definition of "subdivided land" or "subdivision" for such purposes to include, with specified exemption for transactions occurring prior to July 1, 1982, any combination of 12 or more of such time-share estates or time-share uses in 2 or more time-share projects in the same subdivision, if concurrently advertised or of-

fered for sale by or on behalf of the same or affiliated persons The bill would also require a consolidated public report on such projects

(2) Existing law gives to prospective purchasers of a time-share estate or time-share use in a time-share project subdivision a limited right to rescind a contract to purchase.

This bill would extend that right to prospective purchasers in any time-share project, rather than only purchasers in those projects which constitute "subdivided land" or a "subdivision," as defined.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1186 (SB 1486) Russell. Insurance. health disability insurance conversion.

Existing law requires group health insurance contracts and policies, with specified exceptions, which are entered into, amended, or renewed on or after January 1, 1983, to permit conversion of coverage in the event that termination of employment or membership in a group ceases.

This bill would specify that group policies subject to those provisions include medical and comprehensive medical coverage as well as hospital, surgical and major medical coverage

The bill would revise provisions relating to maternity coverage under a conversion from major medical expense insurance. This bill would revise provisions dealing with covered expenses under a conversion policy

The bill would provide that a converted policy or contract need not be issued if the individual is covered for similar benefits by an individual policy or contract It would also provide that a conversion contract is not required if the person has not been continuously covered during the 3-month period immediately preceding that person's termination of coverage.

The bill would revise requirements relating to the time for giving various notices. It would make related changes

This bill would incorporate additional changes in Section 1373.6 of the Health and Safety Code and Sections 12678, 12679 and 12686 of the Insurance Code, proposed by SB 1297 to be operative only if this bill and SB 1297 are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

Ch 1187 (AB 1971) Ingalls Transportation: charter service

Existing provisions of the Mills-Alquist-Deddeh Act do not regulate charter bus services performed by public transportation systems receiving funding under the act.

This bill would require all charter bus services authorized by a public transportation system receiving funding under the act to contribute financially to the reduction of deficits on scheduled route service of the system Charter bus service rates and minimums would be required to be established, as prescribed, and reviewed and adjusted not less than semiannually to reflect specified costs, although if the operator determines that there is a public need that cannot otherwise be met, the operator may provide charter bus services to charitable or public service organizations at direct cost, not to exceed $10,000 or a total of 40 charter buses per year, whichever occurs first

The bill would also prohibit the charter bus service from interfering with regularly scheduled service to the public or from competing unfairly with private operators providing charter bus service

Ch. 1188 (SB 1504) Presley. Elections. public campaign financing.

Existing law provides no public financing of campaigns of candidates seeking public office

This bill would enact the California Election Campaign Fund Act which would permit individuals to designate on the applicable tax return the payment of specified various amounts, in addition to their tax liability, to the California Election Campaign Fund, herein created. It would provide for the disbursement of the moneys in that fund to

qualified political parties, as specified, and would prescribe the procedures and allocation of those funds by those parties to candidates for state office at statewide General Elections.

Ch. 1189 (AB 3698) Vicencia Alcoholic beverages.

Existing law requires the Department of Alcoholic Beverage Control, until January 1, 1983, prior to issuance or transfer of an alcoholic beverage license, to investigate matters directly related to the issuance or transfer of the license and with respect to retail package off-sale beer and wine licenses, the department is prohibited from investigating any matters connected with the operation of a premises, as specified.

Existing law also requires the department, until January 1, 1983, to reject any protest against the issuance or transfer of an alcoholic beverage license based on evidence, information, or conditions resulting from operation of the premises not resulting solely from the sale of alcoholic beverages

The law requires the Governor to appoint a citizens committee to study the effects of the above provisions, among others, and requires the committee to report to the Governor and Legislature on or before July 1, 1982, on the results of its study

This bill would extend the limiting date of the above provisions to January 1, 1984, change the reporting date of the committee to July 1, 1983, and make conforming changes.

Ch. 1190 (SB 1502) Rains. Secretary of State.

Existing law provides for a State Commission on Voting Machines and Vote Tabulating Devices and specifies its duties and functions.

This bill would abolish the commission and transfer the duties and functions of the commission to the Secretary of State.

Ch. 1191 (AB 3363) Floyd County jails. work furlough

Existing law provides authority for the county board of supervisors to authorize the sheriff or other appropriate official to require prisoners in a county jail to perform 10 hours of labor on public work projects in lieu of one day of confinement. The provision does not apply to persons committed for more than 6 days. The provision will be repealed by its own terms on January 1, 1985.

This bill would make participation in the program voluntary rather than mandatory, would extend this provision of authority to apply the above-specified work program to all persons committed, regardless of duration, and would extend the repealer provision until January 1, 1990. The bill would authorize imposition of a program administrative fee, as specified.

Existing law permits the sheriff of each county to operate a store with the county jail to sell goods for cash to the inmates. The sheriff is required to set the sale prices of the articles at amounts which will render the jail store self-supporting and provide a small margin of profit, which profit is deposited in the inmate welfare fund.

This bill would delete the requirement that the prices be set so as to render the jail store self-supporting and to provide a small profit. Any profit would be deposited in the inmate welfare fund.

Ch. 1192 (AB 2448) Bergeson. Schools.

(1) Existing law provides for a home-to-school transportation reimbursement to school districts and authorizes the governing board of any school district providing for the transportation of pupils, as specified, to require the parents or guardians of all or some of the pupils transported, to pay a portion of the cost of this transportation in an amount determined by the governing board in a specified manner. Existing law provides, until July 1, 1982, that the amount determined by the board shall be no greater than the statewide average cost of providing transportation to a pupil on a publicly owned or operated transit system as determined by the Superintendent of Public Instruction, in cooperation with the Department of Transportation.

This bill would extend the operation of these provisions of existing law indefinitely

(2) Existing law provides that effective July 1, 1982, the governing board of a school district may require the parents or guardians of all or some of the pupils to pay a portion of the cost of home-to-school transportation in an amount determined by the board,

provided that the district does not qualify to receive reimbursement from the State School Fund for transportation in the year in which the requirement to pay is made. Existing law provides that effective July 1, 1982, the amount determined by the board shall be no greater than the actual cost of providing transportation to a pupil on a common carrier or municipally owned transportation system

This bill would repeal these provisions of existing law.

(3) Existing law requires that for the 1981–82 fiscal year the Superintendent of Public Instruction must apportion to each school district the amount of its approved home-to-school transportation allowances in a specified manner.

This bill would specify the manner in which the superintendent is required to apportion to each school district the amount of its approved home-to-school transportation allowances for the 1982–83 fiscal year and each fiscal year thereafter.

(4) Under existing law, there is a Teacher Credentials Fund in the State Treasury. All fees levied by the Commission for Teacher Preparation and Licensing are deposited in the fund. It is the intent of the Legislature that fees levied for the issuance of teachers' credentials shall be sufficient to offset the activities of the commission

This bill would specify that a single fee, not to exceed the charge for a single supplemental credential, shall be charged for all supplemental credentials applied for at the same time.

This bill would incorporate additional charges in Section 44215 of the Education Code, proposed by AB 3472, to be operative only if AB 3472 and this bill are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last.

(5) Existing law specifies the manner in which county superintendents of schools are to determine the revenue limits for each school in the county.

This bill would authorize a school district to increase its revenue limit per unit of average daily attendance prior to the calculation of its annual inflation increase to its revenue limit under existing law, as specified

(6) This bill would take effect immediately as an urgency statute

Ch 1193 (AB 1985) Johnston. Unlawful employment practices. harassment.

(1) Existing law prohibits discrimination in employment because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age of a person, and specifies activities in this regard which are unlawful employment practices

This bill would make it an unlawful employment practice for any entity subject to this law, because of these specified factors, to harass an employee or applicant, would require the entity to take all reasonable steps to prevent harassment from occurring, would provide that loss of tangible job benefits would not be necessary to establish harassment, and would provide that the bill is declaratory of existing law

(2) This bill would also make technical changes with regard to discrimination in apprenticeship training programs.

(3) This bill would incorporate additional changes in Section 12940 of the Government Code proposed by AB 1805, to be effective only if AB 1805 and this bill are chaptered and become effective on or before January 1, 1983, and this bill is chaptered last.

Ch. 1194 (AB 860) Elder Public funds investments

(1) The Public Employees' Retirement Law permits the Board of Administration of the Public Employees' Retirement System and the State Teachers' Retirement Law permits the Teachers' Retirement Board to invest the assets of the retirement funds in stocks and bonds.

This bill would permit those boards to purchase or sell exchange-traded call options on common stock through an exchange, as specified.

(2) Existing law authorizes securities of the Public Employees' Retirement Fund and the Surplus Money Investment Account to be used in security loan agreements and requires the administrators of the Public Employees' Retirement System and the State Pooled Investment Account to jointly develop a standardized account form.

This bill would also authorize security loan agreements by the Teachers' Retirement Board and would permit those agreements to be entered into with any state bank, rather than only California banks, and permit each agency to develop its own standardized

security loan agreement form.

(3) Existing law specifies the investments that may be made by the board of retirement with assets of the Employees' Retirement Fund pursuant to the County Employees' Retirement Law of 1932

This bill would authorize the board of retirement, in addition, to enter into security loan agreements and to purchase and sell exchange-traded call options on common stock through an exchange, as specified

Ch 1195 (AB 2488) Moore. University of California. regents open meetings

(1) Existing law requires state agencies to hold meetings which are open to the public, as specified. It also requires the Regents of the University of California to hold meetings which are open to the public, and provides for closed sessions when the regents meet to discuss certain specified matters.

This bill would require the meetings of the Regents of the University of California, as defined, to be held subject to the State Agency Open Meeting Act, except as otherwise provided. It would also make certain technical changes in the notice requirements for special meetings of the regents

(2) The bill would provide for severability of any invalid provisions

Ch 1196 (AB 3469) Johnson. Financial institutions

Existing law permits a commercial bank to purchase for its own account only specified investment securities and in addition, to invest an amount not exceeding 2% of its deposits in other securities which the bank in its informed opinion considers to be prudent investments, with the exception of corporation shares

This bill would instead authorize a commercial bank to invest in gold and silver bullion and United States mint certificates of ascertained value, and to purchase securities which are considered to be prudent investments, with the exception of corporation shares

The bill would additionally authorize a commercial bank to purchase for its own account shares of stock of a bank insured by the Federal Deposit Insurance Corporation if the stock of such bank is owned exclusively by other banks, except as specified, and if such bank is engaged exclusively in providing services for other banks and their officers, directors, or employees

Existing law prohibits a commercial bank from investing an amount exceeding 10% of its shareholders' equity in securities of any one obligor or maker, with the exception of specified obligations

This bill would instead provide that, unless otherwise approved by the Superintendent of Banks, a commercial bank is prohibited from investing an amount exceeding 15% of its shareholders' equity in securities of any one obligor or maker, with certain specified exceptions.

Existing law provides that no impound, trust or other type of account for payment of taxes on real property, insurance premiums or other purposes relating to the property shall be required as a condition of a real property sale contract or a loan secured by a deed of trust or mortgage on real property containing only a single-family, owner-occupied dwelling, except under specified circumstances.

This bill would additionally make an exception whenever the combined principal amount of all loans secured by the real property exceeds 80% of the appraised value of the property securing the loans

Existing law provides that a bank or trust company may purchase, acquire, hold, or lease real property or an interest therein subject to specified criteria.

This bill would additionally provide that a bank or trust company may purchase or otherwise acquire holdings related to real estate development and management on an entrepreneurial basis It also authorizes a commercial bank to acquire and hold voting stock on one or more corporations, the activities of which are primarily investment in real property Such investment may include subdividing and developing real property and building residential housing or commercial improvements on the property It would also authorize any such corporation to own, rent, lease, manage, operate for income, or sell the property. It would, however, provide that the total of all investments, loans and guarantees made by a commercial bank shall not exceed 10% of the total assets of the bank, unless a higher percentage is approved by the superintendent. These provisions would become operative on the effective date of federal legislation or regulation which

contains identical provisions, or substantially similar provisions as determined by the Secretary of the Business, Transportation and Housing Agency, or on January 1, 1984, whichever occurs first.

The bill would additionally authorize a commercial bank to provide real estate appraisal services, management consulting advice and services, and electronic data processing services, and to charge fees therefore. These provisions would become operative on the effective date of federal legislation or regulation which contains identical provisions, or substantially similar provisions as determined by the Secretary of the Business, Transportation and Housing Agency, or on January 1, 1984, whichever occurs first.

Existing law provides that with the prior written approval of the superintendent and subject to such regulations and rules as he or she may prescribe, a bank may acquire and hold not less than 80% of the voting stock of one or more corporations that perform functions a bank may perform, other than the receipt of deposits

This bill would instead provide that subject to such regulations and rules as the superintendent may prescribe, a bank may invest in the capital stock, obligations, or other securities of one or more corporations. It would also provide that no such corporation may act as an insurance company, insurance agent, or insurance broker. However, the prohibition would not be deemed to exclude other possible restrictions with respect to the activities of those corporations.

Existing law authorizes a commercial bank to borrow money for temporary purposes by discounting or otherwise, and to borrow money secured by real property owned by a bank provided that the real property is used only for banking operations.

This bill would delete that provision requiring the real property to be used only for banking operations.

Existing law provides that a savings and loan association may make secured or unsecured loans for personal, family, or household purposes, and may invest in, sell, or hold commercial paper and corporate debt securities, provided the total of these loans and investments does not exceed 20% of the assets of the association

This bill would instead provide that an association may make secured or unsecured loans for agricultural, business, corporate, commercial, personal, family, or household purposes and may invest in, sell, or hold commercial paper and corporate debt securities, provided that with respect to loans made directly by an association, the total of agricultural, business, corporate and commercial loans shall not exceed 5% of the assets of the association prior to January 1, 1984; 7½% of such assets prior to January 1, 1985, and 10% of such assets thereafter It would also provide that with respect to agricultural, business, corporate or commercial loans originated by a commercial bank, subsidiary of a commercial bank, bank holding company or subsidiaries of a bank holding company, located in this state and either purchased by or participated in by an association, the total of such purchase and participations shall not exceed 10% of the assets of the association.

Ch. 1197 (AB 2716) Kapiloff Office of California-Mexico Affairs.

Existing law provides for an 18-member Commission of the Californias to further and develop favorable economic, educational, and cultural relations with Mexico. The law also provides for the California Office of the Southwest Border Regional Conference to participate in the development of project proposals of the Southwest Border Regional Conference. As established by federal law, the conference consists of the Governors of New Mexico, Arizona, Texas, and California, or their designees. The conference is charged with developing a regional economic development plan for the Mexican border region.

This bill would establish the Office of California-Mexico Affairs and continue the operations of the Commission of the Californias and the California Office of the Southwest Border Regional Conference within this new office. The Governor would appoint a director of the office The Governor would serve as chairman and the Lieutenant Governor would serve as vice chairman of the commission.

Ch. 1198 (AB 2332) McAlister Attachment.

Existing law contains The Attachment Law, an extensive and comprehensive statutory scheme relative to attachment, a remedy generally available to a creditor to secure the eventual satisfaction of an underlying debt of the creditor's debtor by having certain property of the debtor taken into custody by a governmental official

This bill would make substantive revisions in The Attachment Law, conform The Attachment Law with the Enforcement of Judgments Law, as proposed by AB 707, and make numerous technical changes. The provisions of The Attachment Law substantively affected by this bill include the following areas:

(a) Manner of service Existing law authorizes the manner of service under The Attachment Law to be made in the same manner as for the service of a summons and complaint in a typical civil action, if the person to be served has not appeared in the action, or in the same manner as for the service of notices and other papers, if the person to be served has appeared in the action.

This bill instead would specify that service under The Attachment Law is governed by the Enforcement of Judgments Law, as proposed by AB 707

(b) Amount secured by attachment Existing law provides that the amount for which a writ of attachment may issue is the amount of the defendant's indebtedness over and above all claims which would diminish the amount of the plaintiff's recovery.

This bill instead would provide that the amount for which an attachment may issue is the sum of the amount of the defendant's indebtedness claimed by the plaintiff for which an attachment may issue and any additional amount included by the court for costs and attorneys' fees, as specified, but that sum would be reduced by the sum of the amount of any money judgment in favor of the defendant and against the plaintiff that remains unsatisfied and is enforceable and the amount of any indebtedness of the plaintiff that the defendant has claimed in a cross-complaint filed in the action if the defendant's claim is one upon which an attachment could be issued

(c) Dwelling exemption Under existing law, an individual's dwelling may be protected from attachment if it is otherwise exempt from execution of a judgment or if a declaration of homestead is recorded or if it is necessary for the support of the defendant or the defendant's family supported in whole or in part by the defendant Existing law provides that a claim of exemption for real property is waived if not made within the time allowed

This bill would delete the alternative of recording a declaration of homestead and would permit a defendant to claim an exemption for real property at any time before judgment.

Under existing law, an attachment lien on a defendant's dwelling may last as long as 8 years if the defendant's equity exceeds the amount of the claimed exemption

This bill would permit a defendant to obtain release of the attachment lien on his or her principal dwelling at any time before judgment, without regard to the value of the dwelling, in specified circumstances.

(d) Property subject to attachment Existing law does not expressly specify that community property is subject to attachment

This bill would provide that community property is subject to attachment if the community property would be subject to enforcement of the judgment obtained in the action in which the attachment is sought.

(e) Levy procedures. This bill generally revises existing statutory provisions governing the methods of levy of attachment by incorporating the methods of levy under a writ of execution under the Enforcement of Judgments Law, proposed by AB 707, and revises or adds special rules regarding the attachment of (1) growing crops and timber to be cut, (2) minerals to be extracted, (3) tangible personal property already in custody of levying officers, (4) a vehicle, vessel, mobilehome, or commercial coach that is equipment, (5) farm products and inventory of going business, (6) personal property used as a dwelling, (7) property in a safe deposit box, (8) property that is the subject of a pending action or proceeding, (9) a final money judgment, (10) the interest in personal property in the estate of a decedent, and (11) personal property in a private place.

(f) Attachment by registered process server. Existing law does not authorize registered process servers to levy under a writ of attachment.

This bill would authorize levies by registered process servers where specified types of property are to be attached.

(g) Examination of third person. Existing law provides for the examination of a third person who is indebted to the defendant or who has possession or control of property of the defendant

This bill would prohibit the examination if the amount of the debt is $250 or less and authorize the court at an examination to determine the third person's adverse claim, as

specified.

(h) Review of issuance of attachment. Existing law does not provide for an appeal from the issuance of an attachment on noticed motion, although it does provide for an appeal from an order discharging or refusing to discharge an attachment.

This bill would so provide.

(i) This bill also makes numerous changes to existing law relative to an attachment lien, the rights and liabilities of third persons after levy, creditor's suits.

This bill would become operative on July 1, 1983, contingent upon AB 707 becoming operative on that date

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes proposed by AB 2750 to Section 493 040 of the Code of Civil Procedure, contingent upon the prior enactment of AB 2750.

This bill would incorporate additional changes proposed by AB 3258 or SB 1287, or both, to Section 904.1 of the Code of Civil Procedure, contingent upon the prior enactment of AB 3258 or SB 1287, or both.

This bill would make a certain conforming change, contingent upon the enactment of SB 1790, as specified

Ch 1199 (AB 3612) Harris Decedents' estates: administration.

Existing law provides that when a trust created by a will continues after the distribution of the estate, the superior court retains jurisdiction to, among other things, determine to whom the property shall pass and to settle the accounts A trust created by a will executed on or after July 1, 1977, unless the will provides otherwise, is not subject to the continuing jurisdiction of the superior court, but is instead governed by those provisions concerning inter vivos and other trusts, as specified

This bill would provide that all trusts created by a will, unless provided otherwise in the will, are not subject to the continuing jurisdiction of the superior court, but are subject to those provisions concerning inter vivos and other trusts, as specified. With respect to trusts created by will before July 1, 1977, and no longer subject to the court's continuing jurisdiction, this bill would require the trustee of such a trust to give to all beneficiaries certain information, including their right to petition a court regarding certain matters and to request statements concerning the trust's accounts. This bill also provides that the trustee of such a trust must furnish annually and at the termination of a trust a statement of the trust's accounts to certain beneficiaries, as specified, as well as requiring an annual summary of the trust's account to all beneficiaries

The bill further provides that with respect to a trust where no trustee is a trust company, the trustee may only remove the trust from the continuing jurisdiction of the superior court with the court's approval The bill also prescribes the procedure for obtaining court approval and sets forth disclosure requirements, as specified.

Ch. 1200 (SB 211) Keene. Public pension and retirement systems: investments.

(1) Existing law prescribes the permissible investments, subject to specified limitations, of the Public Employees' Retirement Fund, the Teachers' Retirement Fund, and the funds of systems established under the County Employees Retirement Law of 1937

This bill would authorize those funds to be invested, subject to specified limitations, in securities issued by corporations and limited partnerships, the majority of whose assets are in nonpublicly traded stocks and in the common stock or shares of publicly traded corporations which do not meet specified constitutional standards and would increase the limit upon investments in common stock or shares from 25% to 60% of the funds' assets, as specified

(2) The Public Employees' Retirement Law, the State Teachers' Retirement Law, and the County Employees Retirement Law of 1937 presently provide that the systems established under those laws are trusts and contain provisions regarding the fiduciary duties of the board members and their officers and employees.

This bill would, in addition, prescribe additional fiduciary standards and prohibitions.

(3) This bill would also make any board member or officer of the Teacher's Retirement Board who breaches specified responsibilities, obligations or duties personally liable, as specified, and would make board members and officers liable for a breach of fiduciary responsibilities of another board member or officer, under specified conditions.

(4) This bill, except for the additional fiduciary standards and prohibitions imposed by item (2) above on the State Teachers' Retirement System and item (3) above, would become operative upon the approval by the electors of Senate Constitutional Amendment No. 21 of the 1981–82 Regular Session

Ch. 1201 (SB 1345) Sieroty Public welfare: schools. county offices of education· special education:

(1) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations for the effective administration of pregnant minors programs operated by county superintendents of schools. County superintendents who operated pregnant minors programs in the 1979–80 fiscal year are required to continue to operate those programs in each fiscal year thereafter, except as specified.

This bill would also require the Superintendent of Public Instruction to adopt rules and regulations for the effective administration of pregnant minors programs operated by school districts The bill would further require school districts which increased their revenue limit in the 1981–82 fiscal year for pregnant minors programs to continue to operate pregnant minors programs in subsequent fiscal years, except as specified.

This bill would also make technical, nonsubstantive changes.

(2) Existing law provides for the Advisory Commission on Special Education, with membership appointed by the Speaker of the Assembly, the Senate Rules Committee, the Governor, and the State Board of Education, as specified The commission members receive reimbursement for their actual and necessary expenses incurred in the performance of their duties

This bill would require that on January 1, 1984, the appointing powers terminate the appointment of all public members of the commission appointed before that date, and make new appointments, as specified

This bill would also authorize the members of the commission to be reimbursed for other expenses which are determined to be necessary to the function of the commission, if approved by the commission and its executive secretary.

(3) Existing law prohibits the name of an elementary school district from including the word "elementary."

This bill would delete that prohibition.

(4) Existing law requires that when a local plan for special education programs is developed certain entitlements regarding the seniority and classification rights of certificated employees apply when any employee is terminated, reassigned, transferred, or made an employee of another employer because of the reorganization of special education programs pursuant to Chapter 797 of the Statutes of 1980.

This bill would revise those provisions by, among other things, requiring that the total number of years served as a certificated employee with the former employer be credited, year for year, in the salary schedule of the new employer

(5) Existing law establishes special education programs for individuals with exceptional needs and specifies the requirements of local plans for implementation of the programs by local educational agencies.

This bill would revise various provisions relating to special education programs, including the requirements of individualized education programs for individuals with exceptional needs, notification requirements, assessments of individuals with exceptional needs, and designated instruction and services specified in individualized education programs.

This bill would specify that, notwithstanding any other provision of law, local educational agencies are not required to provide related services in excess of those required pursuant to federal law or proposed regulations published in the Federal Register in August of 1982.

This bill would require that placement of individuals with exceptional needs in state special schools be made only as a result of recommendations from the individualized

education program team, upon a finding that no appropriate placement is available in the local plan area.

This bill would establish among existing state advisory bodies on special education an Ad Hoc Committee on Early Intervention to guide, advise, and assist the Governor, the Legislature, the State Board of Education, and state agencies concerned with providing services to handicapped infants, as specified The bill would repeal this provision on January 1, 1984.

This bill would, before any action is taken with respect to the initial placement of a pupil, require that the pupil be assessed, when appropriate, in career and vocational abilities and interests as related to the suspected disability.

This bill would provide that the service area covered by the plan submitted to the superintendent shall be known as the special education local plan area.

The bill would require for pupils in kindergarten and grades 1 to 6, inclusive, or pupils of a comparable chronological age, who are unable to successfully complete the regularly prescribed course of study as determined by the individualized education program team, academic instruction which includes an application to daily living skills and occupational awareness

(6) Existing law provides for procedural due process protections in the education of individuals with exceptional needs, including administrative hearings at the state level which may be preceded by informal meetings, mediation conferences, or both The law currently prohibits the use of certain attorney services by a public education agency during any part of a mediation conference or state level hearing, unless the agency, initiating the use of these services, pay the costs of attorney services, as specified, incurred by the parent of an individual with exceptional needs, or unless the parent of the individual with exceptional needs initiates the use of attorney services

This bill would extend the provisions of existing law relative to the prohibition of the use of certain attorney services by a public educational agency, as specified, to the individualized education program meetings

(7) Existing law prescribes various services-based formulas for determining state apportionments to school districts and county offices of education for special education programs

This bill would revise the formulas by, among other things, increasing the amount excluded from the recomputed support services quotients for certain costs for regionalized services.

This bill would delete the limitation on state-funded instructional personnel service units for the 1982–83 fiscal year prescribed by Chapter 327 of the Statutes of 1982

This bill would provide that the Superintendent of Public Instruction shall not assess certain fees to parents of severely handicapped children for child care and development programs if the child has been referred to the program by another agency or if the family is required to pay a fee through another component of the program.

(8) Existing law prohibits special educational programs already in operation in school districts from being transferred to the county superintendent of schools or other districts, without the approval of the Superintendent of Public Instruction Approvals may be made only if it is determined to be in the best interests of the education and welfare of the pupils. The superintendent is required to determine the additional costs to the state, if any, caused by the transfer and permanently reduce the district's revenue limit

This bill would prohibit the transfer of special education programs already in operation from the county superintendent of schools to school districts This bill would delete the authority of the Superintendent of Public Instruction to approve transfers in the best interests of the pupils and would, instead, prohibit transfers if it would result in an entitlement to increased state aid.

(9) Under existing law, the amount allocated for child development programs by the Budget Act of 1981 to school districts and other eligible agencies is based on their average daily enrollment for 1981–82 assigned reimbursement rate which is greater than the fiscal year 1981–82 standard reimbursement rate.

This bill would revise the rate to be based on the 1980–81 assigned reimbursement rate which is greater than the fiscal year 1980–81 standard reimbursement rate, as prescribed.

(10) Existing law establishes a pilot project of registration of family day care homes for children in certain counties administered by the State Department of Social Services.

This bill would prohibit local jurisdictions from imposing any license fee or tax for the

privilege of operating a pilot project facility.

(11) Existing law authorizes the County Superintendent of Schools for Sacramento County to establish an independent data processing center, as specified

This bill would authorize the County Superintendent of Schools for San Mateo County to establish an independent data processing center in a similar manner

(12) This bill would incorporate changes in Sections 56320 and 56345 of the Education Code, proposed by AB 2652, to become effective on January 1, 1983; but only if both this bill and AB 2652 are both chaptered and become effective, and this bill is chaptered last

(13) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(14) This bill would take effect immediately as an urgency statute.

Ch. 1202 (AB 2780) Tucker. Horseracing: fees and taxes.

Existing provisions of the Horse Racing Law prohibit collection of any license or excise tax or fee in excess of $100 per racing day from any licensee by the state or by any city, county, district, or other body, except as provided in the law.

This bill would authorize every racing association other than the California Exposition and State Fair or a county or district agricultural association fair to elect permanently to deduct up to 0.33 of 1% from all parimutuel pools and to distribute the amounts deducted to the city or county where the racing meeting is held. A city or county electing by ordinance to receive a distribution from a racing association would thereafter be prohibited from assessing or collecting any tax or fee on events conducted by that racing association and would be required to provide ordinary and traditional municipal services, as defined, in connection with a racing meeting. If an eligible city or county does not elect to receive a distribution, the additional deduction would be paid to the state as an additional license fee. These provisions would be repealed January 1, 1988, unless a later enacted statute chaptered before January 1, 1988, deletes or extends that date.

The bill would take effect immediately as an urgency statute.

Ch. 1203 (AB 3204) Roos. Financial transactions and institutions.

Existing law requires a beneficiary on the written demand of an entitled person made at any time before, or within 2 months after, the recording of a notice of default under a mortgage or deed of trust, if the power of sale therein is to be exercised, or otherwise made more than 30 days prior to entry of the decree of foreclosure, to prepare and deliver to the person demanding it a written statement, as specified.

This bill would additionally require the beneficiary to deliver a true, correct, and complete copy of the note and any subsequent modifications thereto. It would provide that where the entitled person includes in the written demand a specific request for a copy of the deed of trust or mortgage, it shall be furnished with the written statement at no additional charge.

Existing law provides that if a beneficiary for a period of 21 days after receipt of the written demand willfully fails to prepare and deliver the specified written statement, he is liable to the entitled person for all damages which he may sustain by reason of such refusal and, whether or not actual damages are sustained, he shall forfeit to the entitled person the sum of $100

This bill would increase the amount that the beneficiary shall forfeit from $100 to $300.

Existing law authorizes a beneficiary, defined as a mortgagee or beneficiary of a deed of trust, or his assignee, to charge not to exceed $15 for furnishing specified required statements.

This bill would increase the authorized charge to not exceed $50.

Existing law permits public officers and employees, other than state officers and employees, to authorize wage and salary deductions for the purchase of shares in or the payment of money to any regularly chartered credit union.

This bill would additionally authorize such deductions for deposit into an account or

accounts with a state chartered bank or national bank having its principal office in the State of California, a state or federal savings and loan association in this state, or for the purchase of any investment or thrift certificate issued by an industrial loan company licensed by this state.

Existing law provides that state officers and employees may authorize deductions to be made from their salaries or wages for payment of specified items

This bill would additionally specify that such deductions may be made for deposits into an account with a state chartered bank or national bank having its principal office in the state, a state or federal savings and loan association in this state, or for the purchase of any investment or thrift certificate issued by an industrial loan company licensed by this state.

Existing law provides that whenever a local ordinance authorizes or requires the furnishing of security in connection with the performance of any act or agreement required as a condition for the issuance of a building permit, the building permit applicant may provide specified items as security.

This bill would provide, in addition to other specified items acceptable as security, that the building permit applicant may provide a letter of credit issued by a specified financial institution.

Existing law permits any workers' compensation insurer, in lieu of a specified bond, and upon payment of a prescribed fee, to deposit cash instruments, letters of credit, or approved interest-bearing securities or approved stocks or investment certificates or share accounts issued by a savings and loan association doing business in this state. The deposits may be made with the Treasurer, a bank, a savings and loan association, or trust company.

This bill would additionally permit the workers' compensation insurer to deposit certificates of deposit or savings deposits in a bank licensed to do business in the state, as specified The bill would require that if deposits are made into a savings and loan association, it be a savings and loan association authorized to engage in the trust business pursuant to specified provisions of law applicable to domestic savings and loan associations.

Existing law specifies, with respect to banks organized under the laws of or doing business in this state, that certain days are bank holidays.

This bill would add thereto any Friday immediately preceding a Saturday falling on July 4th, September 9th, or December 25th

Existing provisions of the Commercial Code relating to commercial paper provide that if January 1st, July 4th, or September 9th falls on a Saturday the following Monday is an optional bank holiday, and if December 25th falls on a Saturday, the preceding Friday is an optional bank holiday

This bill would provide instead that any Friday immediately preceding a Saturday falling on July 4th, September 9th, or December 25th is a bank holiday for such purposes

Existing law provides for the furnishing of summary criminal history information to specified persons and entities by the State Department of Justice and local agencies. Senate Bill 1364 would add provisions to the law to provide for the furnishing of summary criminal history information of applicants relating to specified convictions to specified institutions under certain circumstances, and would exempt the furnishing of fingerprints in connection with a request for the information from certain prohibitions of law.

This bill would revise those provisions of Senate Bill 1364 relating to specified convictions. It would also provide that if, upon evaluation of the criminal history information received, a bank, savings and loan association, or credit union determines that employment of an applicant would constitute an unreasonable risk to that institution or its customers, the applicant may be denied employment It would provide that a request for records made to the Department of Justice be on a form approved by the department, and would permit the department to charge a fee to be paid by the requesting bank. Criminal history information obtained would be confidential and a recipient would be prohibited from disclosing its contents other than for the purposes for which it was acquired.

Existing law requires banks and savings and loan associations to notify specified depositors of the new maturity date and rate of interest if a time or fixed-term deposit is renewed

This bill would require the notice to inform these depositors how to obtain the rate

of interest if it is not available at the time of renewal, and if the interest is variable, would require that the depositor be informed of circumstances under which variation may occur and the method of determining the rate of interest

Existing law requires banks and savings and loan associations to provide specified information regarding account charges. The law requires that information be displayed and be made available to the public, as specified.

This bill would exempt variable interest accounts from requirements regarding notice of changes in the rate of interest; and would exempt additions to variable interest accounts from requirements regarding information statements provided to depositors. The bill would authorize a bank to tell the public how to get the information as an alternative to displaying the information

The bill would take effect immediately as an urgency statute, however, specified sections of the bill would become operative on January 1, 1983.

Ch. 1204 (AB 3298) Chacon. Schools. bilingual education

(1) Existing law requires the Commission for Teacher Preparation and Licensing to grant certificates of bilingual-crosscultural competence for persons qualified to provide appropriate bilingual-crosscultural instruction, as specified.

This bill would require the commission to grant certificates of competence for language development specialists, as defined, and would require the commission to certify as language development specialists individuals meeting specified criteria providing instruction in kindergarten through grade 12 This bill would require the commission to establish language development competencies, as specified

This bill would specify the manner in which persons providing instruction in kindergarten through grade 12 holding valid California teaching credentials may establish their competency as language development specialists.

This bill would require the commission to develop a uniform state examination, with appropriate variations, for certification as a language development specialist, and would require the commission to consult with designated public and private agencies and organizations in the preparation of the state examination procedures and content

This bill would specify that the commission require any postsecondary educational institution desiring to establish language development specialist training programs to submit plans for the training program for approval by the commission

This bill would require the commission to establish fees for the state examination for a certificate of competence as a language development specialist, as specified, which would be continuously appropriated for the support of the commission.

This bill would state the legislative intent that the commission develop the state examination for the assessment of the competencies for language development specialists in a timely manner and to the extent that funds are made available under priorities to be established by the commission.

(2) Existing law prescribes the types of instructional bilingual programs which must be offered by school districts under the requirements of existing law.

This bill would specify that a secondary level language development program, as defined, may be provided by a district to pupils in grade 6 whenever that grade is maintained by the district in a middle school comprised of grades 6, 7, 8, or 9. This bill would specify that instruction in a secondary level language development program shall be provided either by a language development specialist, or by a certified bilingual-crosscultural teacher who has received the recommendation of the local superintendent of schools verifying in writing that the bilingual-crosscultural teacher is competent and qualified to teach an English-as-a-second-language component, as measured by the district's personnel evaluation system.

This bill would require districts providing a secondary level language development program to maintain records documenting all parental notices and the continuing evaluation of pupil needs and services

(3) Existing law requires the Superintendent of Public Instruction to report annually to the Legislature on bilingual education programs, as specified

This bill would require the superintendent to report annually on the number of language development specialists.

Ch. 1205 (AB 3669) Thurman. Hazardous materials.

Under existing law, a tax is imposed on each ton, or fraction thereof, of specified waste and material which is disposed of in this state. Every person who disposes hazardous or extremely hazardous waste in this state is also required to provide certain information to the State Board of Equalization concerning this waste.

This bill would exempt from that tax certain specified local vector control agencies and county agricultural commissioners generating or disposing of hazardous wastes resulting from their control activities under specified conditions. The bill would also exempt from that tax and other specified recordkeeping requirements specified local health officers and county agricultural commissioners if they are conducting voluntary hazardous waste collection programs, as defined, under specified conditions.

Ch. 1206 (AB 3505) Lockyer. Private Investigator Act.

Existing law provides that an applicant for a license as a private patrol operator shall have had at least one year of experience as a patrolman, guard or watchman, or the equivalent thereof as determined by the Director of Consumer Affairs.

This bill would provide, in addition, that an applicant shall have had one year of supervisory experience in the private security business.

Ch. 1207 (AB 3335) Moorhead. State agencies.

Existing law requires the Department of General Services to approve contracts of state agencies with certain specified exceptions In addition, existing law permits the Department of Finance to establish controls over approval of contracts by the Department of General Services as are necessary to insure that Department of General Services approvals are consistent with program and budget determinations of the Department of Finance.

This bill, among other provisions, would establish the Department of General Services as the agency responsible for controlling specified contracting for work, services, or materials by state agencies, limit the role of the Department of Finance in reviewing and approving contracts for services; establish statutory procedures governing the competitive bidding and request for proposal methods of awarding contracts, and establish a program for exempting contracts for services under $50,000 from a Department of General Services review, if an approved program for contract administration has been established by a state agency.

Ch. 1208 (SB 1398) Presley. State contracts for consulting services

Existing law authorizes the state to contract for personal services under specified conditions.

This bill would enact provisions to govern the approval, evaluation, audit, public notice, modification, and other requirements of consulting services contracts.

This bill also would prohibit involvement of any current state employee in consulting contracts, as specified, and would prohibit for 2 years a former state employee from entering into consulting contracts, in the formation of which the person participated while the person was a state employee. The bill would further prohibit any state employee from entering into a consulting services contract with any state agency for one year following his or her separation from state service, if the state employee was employed by that state agency in a policymaking position in the same general subject area as the proposed contract within one year prior to the separation.

Ch. 1209 (AB 3449) Farr Health fees and hazardous waste: testing: laboratory certification

(1) Under existing law, the fees or charges for the issuance or renewal for certain permits, licenses or registrations are required to be annually adjusted by the percentage change printed in the Budget Act, and the State Department of Health Services is required to publish annually a list of the actual numerical fee charges for these permits, licenses, and registrations.

This bill would exempt the adjustment of fees and publication of the fee list from certain provisions concerning review of agency regulations by the Office of Administrative Law

(2) Under existing law, a laboratory which tests hazardous waste is not required to be certified by the State Department of Health Services for that testing.

This bill would require, operative one year after adoption of regulations by the department, that any analysis of hazardous waste required by existing law be performed by

certified laboratories The bill would provide for that certification and related matters Information gathered by the department pursuant to an inspection of a laboratory would be subject to the same procedures, as are established pursuant to existing law, to protect the confidentiality of trade secrets regarding methods of hazardous waste handling and disposal

The bill would require those laboratories to pay an initial application fee for certification of $600 and an annual certification fee, thereafter, of $500. These fees would be required to be adjusted each year by the percentage changes printed in the Budget Act.

The bill would require that those fees be deposited in the Hazardous Waste Control Account in the General Fund, which funds are continuously appropriated for expenditure by the department for the purposes of administering hazardous waste control provisions, thereby making an appropriation.

Ch 1210 (SB 673) Sieroty. Alarm company operators.

Existing law provides for the regulation of alarm company operators, among others, by the Bureau of Collection and Investigation Services and the Director of Consumer Affairs pursuant to the Private Investigator Act.

This bill would delete existing provisions in the Private Investigator Act which relate to alarm company operators and alarm agents, would enact the Alarm Company Act, and would provide for the licensing and regulation of alarm company operators and alarm agents, as defined. The bill would provide that the Director of Consumer Affairs is to administer and enforce the act.

The bill would create an Advisory Board on Private Security Services and specifies the duties of the board. This bill would require the board to appoint a disciplinary review committee, as specified and specifies the duties and powers of the committee

The bill would authorize the Director of Consumer Affairs to assess administrative fines for specified violations in specified amounts, however, in no event to exceed $2,500.

The bill would provide that money collected pursuant to the act is to be deposited in the Private Investigator Fund and continuously appropriate all money in the fund to the bureau to carry out the act

Existing law includes burglar alarms in the definition of "home improvement goods or services" for purposes of regulating the home improvement business

This bill would delete burglar alarms from that definition.

The bill would make additional changes in Sections 7512 4, 7514, 7521, and 7523, Business and Professions Code, proposed by AB 2456 to be operative only if AB 2456 and this bill are both chaptered, and this bill is chaptered after AB 2456.

The bill would make additional changes in Section 7550.5, Business and Professions Code, proposed by AB 3484 to be operative only if AB 3484 and this bill are both chaptered, and this bill is chaptered after AB 3484.

Ch. 1211 (AB 3337) McCarthy Rulemaking calendar

Present law does not require state agencies to publish an annual calendar of the rulemaking they are planning during the coming year

This bill, among other related provisions, would require state agencies by January 30 of each year to publish in the California Administrative Notice Register an annual calendar of the rulemaking they are planning in the coming year.

The bill would require the publishing of 2 calendars; one including a schedule of rulemaking intended to implement legislation enacted during the previous year and one including a schedule of rulemaking intended to implement legislation enacted during earlier years.

The bill would also require that agencies subject to this measure shall send the calendar to the author of each statute enacted during the previous year for which the agency has responsibility, together with an explanation of the priority the agency has given the statute in the rulemaking calendar

Ch. 1212 (AB 3347) Wyman Vehicles abstracts of court action. driving under the influence

(1) Under existing law, generally, abstracts of court records of convictions of violations relating to the safe operation of vehicles are required to be prepared and sent to the Department of Motor Vehicles. Existing law prescribes the form and content of the

abstract and requires that it contain, among other things, the amount of the fine or forfeiture

This bill would require that any abstract, for which the original arrest and final conviction was for violating specific provisions of the Vehicle Code involving driving while under the influence of an alcoholic beverage or with a blood alcohol level of .10% or more by weight, contain a statement indicating the percentage of alcohol, by weight, in the person's blood if it was determined by a chemical test, but it would require information regarding the chemical test to be compiled only when it is readily available to the clerk of the court. The bill would also delete the requirement that the abstract contain the amount of the fine or forfeiture.

The information in the abstract stating the blood-alcohol percentage would be required to be kept confidential in the records of the department, as specified, except that the information could be released for research and statistical summary purposes, as specified

The bill would state legislative findings and declarations.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, 6 years after their effective date, the provisions contained in the bill for which state reimbursement is required, except that the provision deleting the requirement that the abstract contain the amount of the fine or forfeiture would not be reinstated.

Ch. 1213 (AB 1555) Rosenthal. Dentistry

Existing law requires an applicant for a license to practice dentistry, including a foreign-trained applicant, to, among other things, give demonstrations of his or her skill in operative and prosthetic dentistry and of his or her judgment in diagnosis-treatment planning.

This bill would include the diagnosis and treatment of periodontics in those demonstrations of skills requirements.

Existing law does not provide for the licensing or the registration of mobile dental clinics.

This bill would authorize the operation by a licensed dentist and registration of a mobile dental clinic or unit in accordance with regulations established by the State Board of Dental Examiners and exempts a mobile dental clinic or unit from specified provisions of the Dental Practice Act if the dental clinic or unit is registered and operated in accordance with any rules and has paid any fees, which the board may establish.

Existing law provides that the Board of Dental Examiners of California may license as a registered dental assistant a person who provides evidence of (1) graduation from an approved educational program in dental assisting and satisfactory performance on an examination required by the board, or (2) satisfactory work experience of more than 18 months as a dental assistant and satisfactory performance on an examination required by the board.

This bill would specify that the examination required in (1) and (2) above be a written examination and would provide that, on and after January 1, 1984, every applicant seeking licensure as a registered dental assistant pursuant to (1) and (2) above shall provide evidence of his or her satisfactory performance on a written and practical examination required by the board.

Existing law provides that funds received pursuant to the Dental Practice Act are to be placed in the State Dentistry Fund and that the fund is to be used by the State Board of Dental Examiners in carrying out the provisions of the act

The fees provided in this bill will result in an increase in the State Dentistry Fund available for expenditure by the board.

Ch. 1214 (AB 3025) Moore. School districts and community college districts: organization and reorganization. finance.

(1) Existing law provides for the organization and reorganization of community college districts according to certain specified procedures, and prescribes the effect of a reorganization upon district tax rates and bonded indebtedness

This bill would repeal those provisions, and would provide operational procedures for county committees on school district organization. The bill would recast existing provisions of law which permit the transfer of the duties of a county committee on school district organization to a county board of education, as specified. The above-described provisions of this bill, and certain other specified provisions of existing law, would apply to actions to reorganize community college districts on and after January 1, 1983

The bill would also make conforming changes in the provisions of law regarding the transfer of functions from the county board of supervisors to the county board of education.

(2) Existing law requires the first governing board of any new community college district to name the district at the first meeting of the board, or as soon as practicable thereafter.

This bill would also specify the proper designation for a community college district, and would provide that the district and its governing board may sue and be sued and hold and convey property for the benefit of the district, in the name of the district so designated The bill would further permit the governing board of a community college district to change the name of the district or of any of the colleges maintained by the district by resolution, provided that the specified designation is contained in the new name

(3) Under the provisions of existing law which govern the formation of new community college districts and the annexation or transfer of territory to a district, all proposals for community college district organization or reorganization must be submitted to the Board of Governors of the California Community Colleges for approval. Existing law also establishes various procedures and accompanying requirements to be followed for each specified type of action to form, annex, or transfer community college districts

This bill would repeal those provisions. The bill would establish a uniform procedure for all actions to form a district, a single procedure for all actions to reorganize one or more districts by the transfer of territory to another district, and a uniform procedure to govern all annexation actions. This bill would also provide that petitions to organize or reorganize a district only be reviewed by the board of governors, as specified, after first having been analyzed and approved by the county committee on school district organization according to specified procedures, including an appeal of the findings of the county committee

(4) Existing law prescribes a method of determining state general apportionments to community college districts for the 1981–82 and 1982–83 fiscal years

This bill would revise that method for the 1982–83 fiscal year by prescribing a procedure for allocating state general apportionments to community college districts, if General Fund appropriations and local property tax and other local tax revenues allocated to the district are less than the amounts prescribed under existing law

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(6) This bill would take effect immediately as an urgency statute

Ch. 1215 (AB 3027) Lewis. Unemployment insurance musicians

Existing law generally provides that a person is an employer for purposes of the unemployment insurance law if the person executes a written agreement with a labor organization representing musicians which provides that the person is the musicians' employer and assumes liability to provide for and pay unemployment insurance taxes upon their wages. If the person purchasing the musicians' services does not execute such an agreement, the person is still regarded as the employer if the person contracting to provide the musicians' services does not have a federal employer number and a reserve account established in the Unemployment Fund and the purchaser does have such a

number and account.

This bill would repeal these specific provisions and make musicians subject to the general provisions of the unemployment insurance law governing eligibility.

This bill would incorporate additional changes in Section 621 of the Unemployment Insurance Code proposed by SB 1755 and SB 2033, to be effective only if SB 1755, or SB 2033, or both, and this bill are chaptered and become effective on January 1, 1983, and this bill is chaptered last.

Ch 1216 (AB 3320) Berman State employees. exemptions from civil service

The California Constitution provides that the civil service includes every officer and employee of the state except as otherwise provided in the Constitution. Among the officers and employees exempted from civil service by the Constitution are state officers directly appointed by the Governor, with or without the consent or confirmation of the Senate, and a deputy or employee selected by each of these officers, except members of boards and commissions.

This bill would provide that the Governor shall determine the distribution in the executive agencies of deputies or employees selected by civil-service-exempt officers appointed by the Governor, except deputies or employees subject to the consent or confirmation of the Senate

This bill would permit the Governor to designate as exempt from civil service certain positions, as specified, in the executive agencies which have civil-service-exempt officers and employees, and would permit the Governor to appoint a person to one of these designated exempt positions only after the position is no longer held by a civil service employee.

This bill would require that the positions designated by the Governor as exempt from civil service be positions designated as managerial by the Department of Personnel Administration, and would require the department to report to the Joint Legislative Audit Committee by January 31 of each year the current percentage of civil-service-exempt employees in state service

Ch 1217 (AB 2336) Johnston. Municipal utility district employees

Existing law provides for the formation and operation of municipal utility districts, and provides for a civil service system governing the appointment and disciplining of district employees It provides that, after notice of removal, discharge, or suspension, any employee may file a written request with the general manager for an opportunity to be heard in his own defense before a committee of 3 persons appointed by the general manager

This bill would provide, alternatively, that the employee may, at his option, utilize a grievance procedure if the district and a recognized employee organization have agreed that a grievance procedure may be used in disciplinary proceedings involving removals, discharges, and suspensions as an alternative procedure.

Ch 1218 (AB 1689) Johnson Categorical funding

(1) Existing law requires the State Department of Education to design standardized forms for all state and federal laws with new data collecting and reporting requirements which affect employees with teaching credentials and services credentials authorizing pupil personnel, health, or librarian services The department is required to distribute these forms by January 1, 1983, for use in the 1983–84 school year These provisions are repealed as of June 30, 1985

This bill would require the department to distribute the forms by January 1, 1984, for use in the 1984–85 school year, except that forms regarding individualized education programs for individuals with exceptional needs would be required to be distributed by January 1, 1983, for use in the 1983–84 school year.

This bill would extend the effective date of the requirements until June 30, 1986

(2) Existing law establishing the school improvement program prescribes a method of allocating funds to school districts and participating schools

This bill would, notwithstanding these provisions, authorize the governing board of the Lowell Joint Union School District to use any or all of the funds apportioned to the district for school improvement on a districtwide basis to equalize categorical funding, provided the funds continue to be used pursuant to the authorizing school improvement

legislation. This provision of the bill would be repealed January 1, 1986.

Ch 1219 (AB 1539) Harris. Property taxation. aircraft

Under existing property tax law, the allocation formula to be used by assessors with respect to certificated aircraft excludes from the computation of the time-in-state factor, all air and ground time that certificated aircraft have spent within the state prior to the aircraft's first revenue flight.

This bill would provide that rather than ending with the aircraft's first revenue flight, the period to be excluded from the time-in-state factor ends with the aircraft's first entry into the revenue service of the air carrier in control of the aircraft on the current lien date

This bill would specify that the preceding revision is declaratory of existing law.

This bill would expand this exclusion for the 1983–84 fiscal year and fiscal years thereafter to also include all ground time that certificated aircraft have spent within the state in excess of 168 consecutive hours for certified aircraft which have spent 720 or more consecutive hours on the ground during the representative period

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to specific provisions of this bill.

Ch 1220 (SB 1579) Foran. Public Employees' Retirement System.

The existing Public Employees' Retirement Law contains provisions which, among other things, concern: the conduct of elections for membership on the Board of Administration; the ability of a member, under certain circumstances, to leave accumulated contributions on deposit in the retirement fund on termination of service, the ability of the retirement board to enter into a contract with a contracting agency which includes certain membership exclusions, one of which is an election based on age, the percentages of a contracting agency contribution as it applies to compensation upon the basis of which a member's contributions are deducted, the ability of a member of the Judges' Retirement System, the Legislators' Retirement System, the State Teachers' Retirement System, or a retirement system established under the County Employees Retirement Law of 1937 to redeposit previously withdrawn contributions; and the continued repayment, after death or retirement, of unpaid normal contributions, arrears contributions, and public service credit payments.

This bill would make both substantive and nonsubstantive changes in the existing law. This bill would. authorize the board to require all persons performing election duties to certify, under penalty of perjury, that they properly performed those duties, add, with respect to local members, a definition of "public service" which would be inapplicable to contracting agencies and their employees unless and until the contracting agency elects to be subject thereto, and, under existing law, the matter would become subject to employer-employee relations provisions

This bill would require that interest paid on redeposits of contributions, arrears contributions, or public service credit, prior to the members' death or retirement, be credited to the members' individual account and, after the death or retirement, to the retirement fund, as specified

In addition, the bill would add sections to the Public Employees' Retirement Law permitting a public agency to amend its contract to remove exclusion prospectively from the retirement system only, and without creating liability for prior service, and limiting the exercise of the election by any member or any employer to make additional contributions to the retirement system, as specified; requiring that credit for prior service be granted to local members who rendered service to a public agency if that agency or a function of that agency is assumed by a contracting agency or a public agency, as specified, which thereafter becomes a contracting agency, as specified, and defining "public service "

The Public Employees' Retirement Law provides separate benefits for state safety and state miscellaneous members

This bill would include specified employees of the Department of Parks and Recrea-

tion in the state safety category of membership, provide for related increases in the employers' contributions and would terminate their federal social security coverage. The provisions would not become operative until receipt of a federal ruling authorizing such termination

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state The statutory provision also specifies the manner for paying this reimbursement and requires any statute mandating these costs to contain an appropriation to pay for the costs in the initial fiscal year

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute.

Ch 1221 (SB 1564) Stiern Courts proceedings in forma pauperis

Existing law requires the Judicial Council to formulate and adopt uniform forms and rules of court for litigants proceeding in forma pauperis, as specified

This bill would require litigants proceeding in forma pauperis to submit a specified financial statement, would provide for recovery, following examination of the litigant, of all or a portion of the fees and costs waived on behalf of such a litigant in the event information is brought to the attention of the court within 3 years indicating that the litigant had financial ability to pay all or a portion of such fees or costs, and would provide for the preservation and destruction of applications to proceed in forma pauperis

Ch 1222 (SB 1292) Carpenter Criminal records: national search.

Existing law provides for the dissemination of summary criminal history information of the State Department of Justice to state agencies for licensing and employment purposes. Existing law does not expressly provide for a national search of criminal records

This bill would provide, in specified instances, for a national search of criminal records to be conducted, as prescribed, by a contracting vendor who is a licensed private investigator

The bill would provide for a fee to be charged applicants which, in specified instances, would be continuously appropriated, under existing provisions of law, to cover costs of the search.

The bill would require applicants to make certain statements under penalty of perjury Commission of perjury is punishable as a felony

The bill would provide civil and criminal penalties for improper release of information

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made pursuant to these provisions and no reimbursement is required by this act for a specified reason

Ch. 1223 (SB 551) Maddy. Sales and use tax. exemption trailers and semitrailers.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless that sale or use is exempted from the tax.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

Under existing provisions of law, there are exempt from state and local sales, transactions, and use taxes purchases of new trailers or semitrailers with an unladen weight of 6,000 pounds or more for use without the state and delivered to the purchaser within the state if the purchaser removes the trailers or semitrailers to any point outside the state within 30 or 75 days, as applicable, of the date of delivery and certain information is furnished by the purchaser, including an affidavit attesting that the trailer or semitrailer is for use exclusively outside this state or exclusively in interstate commerce.

This bill would enlarge the exemption by making it applicable to trailers or semitrailers which are used exclusively in foreign commerce or interstate and foreign commerce.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

The bill would take effect immediately as a tax levy.

Ch 1224 (SB 1991) Nielsen. Local agencies financial investment

Under existing law, local agencies may deposit their funds in any depositary savings and loan association in an amount not exceeding the total of the net worth of the association.

This bill would authorize local agencies to deposit their funds in any depositary savings and loan association in an amount not exceeding the amount of $500,000 without regard to the net worth of the depositary provided the deposits are insured or secured as required by law

Ch 1225 (SB 683) Petris Unemployment insurance.

(1) Existing law provides that the Unemployment Insurance Appeals Board shall consist of 5 members appointed by the Governor, subject to the approval of the Senate.

This bill would expand the membership of the board to 7 members by authorizing the Speaker of the Assembly and the Senate Rules Committee to appoint one member each

(2) Under existing law, the chairman of the Unemployment Insurance Appeals Board is required to assign cases before the board to any 3 members of the board for consideration and a decision by 2 of those members A case must be considered and decided by the board acting as a whole at the request of any board member or under other specified circumstances

This bill would require the chairman to assign cases to any 2 members of the board for consideration and decision, except when the board is required to act as a whole If the 2 members do not agree in a case decision, the chairman or another member designated by the chairman would resolve the impasse.

(3) Existing law permits the Employment Development Department to reconsider for good cause its determination regarding a claimant's eligibility for unemployment compensation benefits within 5 days after any appeal of the determination is filed

This bill would change the 5-day time limit to 15 days

(4) Existing law requires that an employer who submits facts to the Employment Development Department which may affect a former employee's eligibility for unemployment compensation benefits, is entitled to notice of the department's determination of the former employee's cause of unemployment

This bill would clarify this law

Ch 1226 (SB 1537) Davis Diversion programs fees

Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse or domestic violence

This bill would authorize the imposition of a fee of up to $100, in the case of a defendant accused of a felony, and a fee of up to $50, in the case of a defendant accused of a misdemeanor, to cover the cost of processing a request or application for diversion pursuant to such provisions, the proceeds to be deposited in the general fund of the county. However, no defendant would be denied diversion because of his or her inability to pay the fee.

Ch. 1227 (AB 2709) Hallett. Economic development: 10-year plan.

Existing law provides that the Commission for Economic Development shall serve as an advisory body to the Legislature, the Governor, and to state agencies in providing bipartisan support and guidance for the best possible overall economic development of the state.

This bill would require the commission to assist the Department of Economic and Business Development in preparing a 10-year plan for the improvement and development of the state's economy.

Existing law provides that the Department of Economic and Business Development is the principal state agency for, among other things, coordinating intergovernmental relationships for economic development, evaluating the programs and policies affecting the state's economic development, and encouraging the full utilization of programs for the economic development needs of the state

This bill, in addition, would require the department, in conjunction with the commission, and the Joint Committee on the State's Economy, to prepare a 10-year plan for developing and improving the economy of the state. It would require the plan to address specified points and would require the department to submit its report to the Legislature and to the Governor by January 1, 1984

Ch 1228 (SB 1425) Ayala. Urban development.

Under existing law, there are no provisions that would authorize a city, county, or city and county or its designee to designate areas within its jurisdiction to be developed as large scale urban developments and to approve development plans.

This bill would enact the Urban Development Incentive Act that would be applicable in any city, county, or city and county upon the adoption by the legislative body of an ordinance for these purposes, establish criteria for approval of a plan for the large scale urban development, authorize the legislative body to impose conditions, including payment by the sponsor to cover costs of services exceeding the revenue generated by public agencies providing services to residents of the development The bill would authorize the legislative body to combine and modify the procedures and requirements relating to planning and land use within a single approval process. The bill would authorize the legislative body to act as the lead agency with respect to the California Environmental Quality Act and exempt a certified large scale development from subsequent or supplemental environmental impact reports unless certain events occur The bill would authorize the legislative body to charge fees and cover its costs.

The bill would authorize the legislative body to form, as specified, a county services area to perform needed services if the development is situated in unincorporated territory and all of these services cannot be provided by existing agencies or to annex to an existing county service area

The bill would also declare the Legislature's intent to create a Housing Incentive Revenue Bond Act to enable local governing bodies to make housing loans to eligible persons.

Ch. 1229 (SB 1416) Campbell. Secondhand property.

Under existing law, secondhand dealers, including pawnbrokers, are required to report certain transactions involving tangible personal property on forms prescribed and provided at actual cost by the Department of Justice. Existing law provides that the report form shall consist of not less than an original and 2 copies.

This bill would require the use of forms approved or provided at actual cost by the Department of Justice It would provide that the Department of Justice shall not require that the report form consist of more than an original and 2 copies when the forms are obtained from a source other than the department It would permit a local law enforcement agency to request the use of forms containing more than 2 copies, as specified It would also require the Department of Justice to allow the use of forms which are compatible with computerization

Under existing law, certain reporting requirements for secondhand dealers do not apply to tangible personal property acquired in good faith in a transaction involving the stock in trade of another secondhand dealer who has previously reported on that property if the acquiring secondhand dealer makes specified reports to the chief of police or sheriff, or obtains a statement of the other secondhand dealer, made under penalty of perjury, that all required reports have been made.

This bill would instead provide that certain reporting requirements for secondhand

dealers do not apply to tangible personal property acquired from another secondhand dealer if the selling or trading dealer states in writing under penalty of perjury on an interdealer transfer form or itemized bill of sale that all required reports have been made, and the dealers retain a copy of the form or the itemized bill of sale, which shall be made available for inspection by any law enforcement officer. The bill would require the Department of Justice to provide interdealer transfer forms at actual cost

The bill would also provide that various reporting requirements for secondhand dealers, and related provisions, do not apply to property acquired by a person who buys, sells, or trades precious metals, if the person is a designated contract market or is registered under specified federal law, or who infrequently conducts business with the general public

The bill would take effect immediately as an urgency statute

Ch. 1230 (SB 1627) Marks Transportation and hazardous waste haulers

(1) Under existing law, the State Department of Health Services may revoke a registration of a transporter of hazardous waste for specified reasons, and the State Director of Health Services may also temporarily suspend the registration prior to any hearing in order to prevent an imminent and substantial danger to health or the environment.

This bill would, additionally, authorize the department to suspend the registration or deny an application for registration for those specified reasons

(2) Existing law provides for the regulation of charter-party carriers of passengers by the Public Utilities Commission and the operation of these carriers pursuant to a certificate of public convenience and necessity or a permit issued by the commission. Chapter 185 of the Statutes of 1982 exempts from the commission's jurisdiction the transportation of persons in a specified vehicle used for ridesharing, but makes these exemptions inapplicable if the primary purpose for the transportation of those persons is to make a profit, as defined

This bill would remove from the commission's jurisdiction transportation services rendered solely within the Lake Tahoe Basin, as specified, where the operator of those services has obtained any permit required from the Tahoe Basin Transportation Authority or the City of South Lake Tahoe, or both, and would also incorporate the changes which would be made in Section 5353 of the PUblic Utilities Code by Chapter 185 of the Statutes of 1982

Ch. 1231 (SB 1582) Russell. Public Employees' Retirement System payments. electronic fund transfers

The Public Employees' Retirement Law provides for various payments from the Retirement Fund to members, their beneficiaries, and other designees.

This bill would provide for payment also by electronic fund transfer, as specified, and would condition the authorization of persons entitled to benefits to request payment by mail to the person's bank, savings and loan association, or credit union account, upon payment thereto by electronic fund transfer not being available

Existing law provides that on and after July 1, 1983, no moneys in a continuously appropriated fund may be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance

This bill would exempt the Retirement Fund from the above provisions and would make related changes

In addition, the bill provides that $400,000 is appropriated from the Public Employees' Retirement Fund to the Board of Administration of the Public Employees' Retirement System for expenditures for expenses and costs incurred pursuant to this act during the 1981–82 fiscal year.

Ch 1232 (AB 2944) Bosco Outpatients.

Existing law authorizes outpatient status for certain offenders committed to a state hospital or other treatment facility, after, among other things, notice by the court to the prosecutor and the defense counsel

This bill would also require notice to the victim or next of kin of the victim of the offense for which the person was committed if a request for notice has been filed with the court.

The bill would also require notice of any unattended day release of a committed

person to the victim or next of kin at the inception of a program

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 1233 (AB 2744) Costa Vehicles. driver's licenses. schoolbuses, school pupil activity buses, youth buses, and farm labor vehicles

(1) Existing law requires a person who operates a schoolbus or school pupil activity bus in the transportation of pupils to hold a valid driver's license and a schoolbus driver's certificate. A violation of that requirement is an infraction.

This bill would require a person operating a schoolbus or school pupil activity bus to have in his or her immediate possession a valid driver's license for the appropriate class of vehicle driven, and, when transporting pupils, to also have in his or her immediate possession a special driver's certificate.

The bill would make a violation of those requirements a misdemeanor.

An applicant for the certificate would be required to meet eligibility and training requirements prescribed by the Department of the California Highway Patrol and to pay a fee of $12

(2) Existing law requires a person operating a farm labor vehicle to have in his or her possession a driver's license for the appropriate class of vehicle to be driven, and, when transporting farm worker passengers, to have in his or her possession a farm labor vehicle driver's certificate A violation of that requirement constitutes an infraction.

This bill would make a violation of the requirement a misdemeanor

(3) Existing law establishes a class 3 driver's license classification, authorizing the holder to operate vehicles of specified weights and sizes, except, among others, a bus or farm labor vehicle Existing law also requires the holder of a class 1 or class 2 vehicle driver's license to be in possession of a medical certificate issued within the past 2 years when operating the vehicle

This bill would authorize the holder of a class 3 license to operate a schoolbus, school pupil activity bus, youth bus, as defined in Chapter 133 of the Statutes of 1982, or farm labor vehicle when a special driver's certificate to permit the operation of those vehicles is also in the licensee's immediate possession. The bill would also provide that a class 3 license shall be valid for operating any of those vehicles when no passengers are aboard while receiving behind-the-wheel driver training from a person having in his or her immediate possession a special driver's certificate to operate the vehicle

The bill would also require a schoolbus, school pupil activity bus, youth bus, or farm labor vehicle driver, including those licensed as class 3 drivers, to be in possession of a medical certificate issued within the past 2 years The bill would make a violation of that requirement a misdemeanor

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(5) The bill also incorporates changes which will be made in Section 12804 of the Vehicle Code by Chapter 46 (AB 550) of the Statutes of 1982

Ch. 1234 (AB 2954) Baker. Prisoners.

Existing law requires notification of state prisoners of rules relative to reduction of sentences for good behavior and participation.

This bill would apply the requirement only as to crimes committed before January 1, 1983.

Existing law provides for reduction of a sentence for forbearance from specified activities and provides procedures for denial of credits.

This bill instead would provide for the reduction of a sentence for forbearance from any felony, misdemeanor, or serious disciplinary infraction The bill would provide no good behavior or participation credit as to crimes committed on or after January 1, 1983. Instead, worktime credits and other sentence reductions would be granted, as specified, subject to revised procedures for denial of credits.

It also would specify that certain deductions from a period of confinement based on committment to a local facility granted under current law are applicable to a person confined in a city or county facility following arrest and prior to the imposition of sentence for a felony conviction

The bill would state the intent of the Legislature as to the number of days deemed to have been served in a local facility.

Ch 1235 (SB 1620) Mills Public transportation· offenses

(1) Under existing law, a public officer or employee of a local agency, when authorized by ordinance, may arrest a person without a warrant under specified circumstances

This bill would define "public officer or employee" to include an officer or employee of a nonprofit transit corporation which is wholly owned by a local agency and formed to carry out the purposes of the local agency, so as to authorize that officer or employee to make arrests under the specified circumstances.

(2) Under existing law, the violation of an ordinance, rule, or regulation enacted by the San Diego Metropolitan Transit Development Board relating to the evasion of the payment of a fare in any transit facility owned or controlled by the board is an infraction or, for a second conviction, a misdemeanor, punishable as specified

This bill would, additionally, make the violation of any ordinance, rule, or regulation enacted by that board prohibiting unauthorized operation or manipulation of transit facilities owned or controlled by the board, prohibiting unauthorized tampering or interference with those facilities, or prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways owned by or controlled by the board, an infraction, or for a second conviction, a misdemeanor and would specify the punishment for a conviction of that violation.

(3) Under existing law, with the consent of the minor, a hearing before specified magistrates may be conducted and disposed of upon specified notices for specified violations

This bill would add a violation relating to fare evasion on public transportation systems, as defined, or a violation of a specified provision relating to coin-operated machines to the authorized hearings that may be so conducted

The bill would specify the action that may be taken by the magistrate on those added violations by a minor if the minor admits the commission of, or did in fact commit, the offense.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1236 (SB 1780) Rains Administrative regulations

Existing law requires the Office of Administrative Law, after reviewing a regulation for its compliance with standards specified by law, including its necessity, authority, clarity, consistency, and reference, to approve it or disapprove it If the office disapproves a regulation, it is required to return it to the adopting agency, specifying in writing the reasons for disapproval

This bill would require the office to also publish its disapproval and the reasons

therefor in the California Administrative Notice Register.

Existing law requires the Governor, upon overruling a decision of the office, to transmit a statement of reasons therefor to the rules committees of both houses of the Legislature

This bill would require the Governor's action and the reasons therefor to be published in the California Administrative Notice Register

Existing law requires the office to review, within 10 calendar days after their filing, emergency regulations adopted by an agency It also requires the office to order repeal of an emergency regulation if, among other things, it determines the regulation is not necessary for the immediate preservation of the public peace, health and safety, or general welfare.

This bill would require the office to publish its order and the reasons therefor in the California Administrative Notice Register.

Existing law requires that, within 30 days of the filing of a certificate of compliance, the office must approve or order the repeal of an emergency regulation if it determines that the regulation fails to meet the standards specified by law

This bill would authorize the office to order the repeal of the emergency regulation, in addition, if the agency fails to comply with the provisions of law relating to the adoption, amendment, and repeal of agency regulations

Existing law requires state administrative agencies to review regulations administered by them for their compliance with the standards specified by law, and to submit the Statement of Review Completion in accordance with specified time standards If the office determines that an existing regulation does not comply with standards specified by law, it is required to order the adopting agency to show cause why the regulations should not be repealed, and to specify in writing the reasons for determining the regulation does not comply with those standards.

This bill would require the office to make the reasons for its determination available to the public, and to publish its order and the reasons therefor in the California Administrative Notice Register

Existing law requires the office to review all information available to it, including that submitted by the agency in response to the order to show cause, and to determine whether the regulation complies with the standards specified by law

This bill would require the office to consider, as well as review, the information submitted by the public, as well as the agency's information It would require that, during the period of review and consideration, the information available to the office for which an order to show cause has been issued shall be made available to the public It would also require the office to notify the adopting agency of information received from the public regarding a regulation for which an order to show cause has been issued.

Existing law authorizes the Governor, within 30 days, to overrule a decision of the office ordering the repeal of an existing regulation

This bill would require that notice of the Governor's action and the reasons therefor be published in the California Administrative Notice Register

Existing law requires the office, in ordering the repeal of an existing regulation, to give notice of its action, as specified

This bill would instead provide that the office shall publish the order and the reasons therefor in the California Administrative Notice Register.

Existing law requires the office to initiate a priority review of any regulation or group or series of regulations at the request of any standing, select, or joint legislative committee, to notify interested persons that a priority review has been requested, and to complete each priority review within 60 days of the request

This bill, in addition, would require that the office publish in the California Administrative Notice Register that a priority review has been requested, and that all information available to the office relating to the priority review be made available to the public.

Ch. 1237 (SB 1973) Mello Common-interest subdivision associations

Existing law does not specifically limit the maximum amount of late charges which an association composed of owners of a common interest in a subdivision may levy against its members

This bill would impose specific limitations on the amount of late charges which may be imposed by a common-interest subdivision association, as defined, for the delinquent

payment of regular or special assessments to defray expenses attributable to the ownership, operation, and furnishing of common interests in the subdivision, and enforcement assessments or penalties These limitations would not apply to a homeowners' association whose members own individual parcels of 75 acres or more.

The bill would also provide that, upon motion, a court may award reasonable attorney's fees and costs to the prevailing party in any action instituted by the association to enforce the member's payment of delinquent assessments and late fees, as specified.

This bill would also exempt common-interest subdivision associations from the constitutional prohibition against usury

Ch 1238 (SB 2047) Marks Domestic violence. filing fees.

Existing law does not authorize the court to order a defendant in a proceeding under the Domestic Violence Prevention Act to pay any public or private agency for the reasonable cost of providing services to a family or household member required as a direct result of the abuse inflicted by the defendant or by actual injuries sustained therefrom

This bill would so provide.

Existing law authorizes the collection of a fee at the time of the issuance of a marriage license or an authorization for a marriage without a license, for the funding of domestic violence centers, as specified

This bill would authorize a $5 increase in the fee for the filing of any paper in response to a protective order concerning person or property or an application for a protective order in domestic cases, as specified, to be used for funding of domestic violence centers.

Ch. 1239 (SB 1395) Beverly Acquisition of property.

Existing law does not authorize a private owner of property to exercise the power of eminent domain to acquire a temporary right of entry to repair or reconstruct land or improvements.

This bill would authorize an owner of property to exercise the power of eminent domain to acquire a temporary right to enter upon adjacent or nearby property to repair or reconstruct land or improvements if specified conditions are established or met. The bill would specify that no entry shall be made until an eminent domain proceeding is commenced and after an appropriate court order permitting entry is issued or judgment for the plaintiff is entered. The bill would authorize a court to require rent to be paid for the temporary use of the land

Ch 1240 (AB 2468) La Follette Bridges. replacement projects.

Under the Bridge Reconstruction and Replacement Act, the Department of Transportation is required, after conferring with counties and cities, to recommend state and local bridge projects and to do all things necessary to secure federal aid for bridge replacement programs.

This bill would require the department to expedite bridge replacement projects with its available resources in order to use federal funds to full advantage as soon as they become available It would require the California Transportation Commission, in allocating funds, and the department, in expending funds, for bridge replacement projects, to follow federal design standards so that the projects will be eligible for federal funds, except that the federal design standards would not apply to a project if the commission finds by resolution, after a public hearing, that their application would adversely affect public health or safety or would significantly increase the cost of the project to the state.

The bill would take effect immediately as an urgency statute.

Ch 1241 (AB 182) McAlister (Fin , Ins , & Com.) Workers' compensation

Existing law permits the Insurance Commissioner to approve or issue a classification of risks and premium rates relating to employer's liability insurance incidental to and written in connection with workers' compensation insurance.

This bill would instead permit the commissioner to issue these rates relating to insurance of any liability of employers for injuries to, or death of, employees arising out of, and in the course of, employment when this insurance is incidental to, and written in connection with, the workers' compensation insurance issued to the same employer and covering the same employer interests

This bill would provide that it does not constitute a change in, but is declaratory of, the existing law

Ch. 1242 (SB 1734) Marks. Developmental disabilities: regional centers.

(1) Under existing law, any person believed to have a developmental disability, and any person believed to have a high-risk of parenting a developmentally disabled infant, are eligible for initial intake and assessment services in regional centers for persons with developmental disabilities.

This bill would provide that any infant having a high risk of becoming developmentally disabled may be eligible for such services, and would define "high-risk infant" for purposes of this provision.

(2) Existing law permits regional centers to provide preventive services to any potential parent determined to be at high risk of parenting a disabled infant.

This bill would, instead, permit regional centers to provide preventive services to these parents if they request these services, and would also permit regional centers to provide preventive services at the parents' request, to any infant at high risk of becoming developmentally disabled. The bill would state the Legislature's intent that preventive services be given equal priority with all other basic regional center services.

(3) Under existing law, the Developmental Disabilities Program Development Fund is appropriated to the State Department of Developmental Services until June 30, 1983, and shall not revert to the General Fund except after that date.

This bill would appropriate the Program Development fund to the department, subject to any allocations which may be made in the annual Budget Act

Ch 1243 (SB 1870) Doolittle. Deadly weapons

Existing law permits a uniformed security guard, regularly employed and compensated as such by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his or her employment, to carry any approved wooden club or baton, if the uniformed security guard has satisfactorily completed a course of training in the carrying and use of the club or baton which has been approved by the Commission on Peace Officer Standards and Training

This bill would instead provide that the uniformed security guard satisfactorily complete a course of instruction certified by the Department of Consumer Affairs in the carrying and use of the club or baton and would delete the requirement that the wooden club or baton be approved It would permit the training institution certified by the department to present the course and charge a fee covering the costs of the training It would require the department, in cooperation with the Commission on Peace Officer Standards and Training, to develop standards for a course in the carrying and use of the club or baton

The bill would also provide that any uniformed security guard who successfully completes a course of instruction is entitled to receive a permit to carry and use a club or baton issued by the department. The department would be required to charge a fee to offset the costs incurred in course certification, quality control activities associated with the course, and issuance of the permit.

This bill would further provide any person who has received a permit or certificate which indicates satisfactory completion of a club or baton training course approved by the Commission on Peace Officer Standards and Training prior to January 1, 1983, would not be required to receive a baton or club permit or complete a course certified by the Department of Consumer Affairs.

Ch 1244 (AB 69) Tanner. California Hazardous Substance Safety Account

(1) Existing law provides for a Hazardous Waste Management Council, which has the responsibility of preparing a Hazardous Waste Management Plan prior to January 1, 1983. The council is also required to hold public hearings on the draft plan and submit the final plan to the Governor and the Legislature prior to July 1, 1983

This bill would change the date by which the plan is required to be prepared to April 1, 1983, and change the date by which the final plan must be submitted to the Governor and the Legislature to October 1, 1983.

(2) Existing law imposes a tax on specified producers of hazardous waste and, for

purposes of calculating the tax, requires each person who submits for disposal, or disposes of, hazardous waste, to report to the State Board of Equalization the total amount of hazardous waste disposed of, submitted for disposal, or transferred to a surface impoundment.

This bill would require that the amount of hazardous waste so reported to be the total weight of the waste measured, in tons, of all the components of the waste in the form in which the waste existed at the time of disposal, submission for disposal, or transferral to a surface impoundment.

(3) Existing law imposes a fee on the disposal of hazardous wastes, which are deposited by the State Board of Equalization in the Hazardous Waste Control Account in the General Fund. The funds are appropriated, among other things, to pay refunds of the fees and taxes authorized by the Hazardous Substances Tax Law.

This bill would instead appropriate these fees to pay refunds only for the fees which are imposed on the disposal of hazardous wastes.

(4) Existing law imposes a tax on the disposal of hazardous waste, which taxes are deposited in the Hazardous Substance Account in the General Fund. The total taxes collected in any one fiscal year are prohibited from exceeding the difference between $10,000,000 and the existing unobligated balance in the account as of March 31 of the preceding fiscal year

This bill would alter the formula on the maximum amount of these taxes which can be collected by limiting the amount to $10,000,000, less the account's unobligated balance, which would be defined as all encumbered funds in the account as of June 30, as estimated on March 1 of each year, less certain specified funds The bill would also exclude from the unobligated balance any funds in the state account subject to the rebate, as described below

The bill also would subject hazardous wastes disposed of into an injection well, as defined, during the 1981 calendar year, to a tax rate that does not exceed 26.4% of the base tax rate calculated pursuant to specified provisions.

The bill requires the State Board of Equalization to compute the amount of the state rebate account, which consists of the total annual amount of these taxes, interest, and penalties; less the total of $10,000,000 or the amount appropriated by the Legislature for the Hazardous Substance Account Act, plus certain specified amounts. The rebate would be credited or paid to each person who paid taxes, on a pro rata basis, as specified.

The amount of taxes subject to this rebate would be required to be certified by the board, to the Governor, on April 15th of each year.

The bill would also continuously appropriate from the Hazardous Substance Account, ir the General Fund, to the State Board of Equalization, sufficient funds to pay this rebate

(5) The bill would also specify the date of effectiveness of a determination by the State Department of Health Services that a waste is nonhazardous and therefore not subject to the tax or the fee on disposal

(6) The bill contains a statement of legislative intent regarding future legislative actions

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(8) The bill would take effect immediately as an urgency statute.

Ch. 1245 (AB 3325) Nolan. State employment

Existing law provides that the State Personnel Board shall create and adjust classes of positions for state employees in the state civil service

Existing law also grants state employees certain rights relating to membership in employee organizations and employer-employee relations Managerial employees are excluded therefrom

This bill would provide that the Department of Personnel Administration shall designate managerial positions for these purposes and shall report such designations to the State Personnel Board annually. In addition, the bill would provide that any disputes as to the managerial classification or position designations may be appealed to the State Personnel Board.

Existing law provides that all full-time state employees who are exempt from state civil service pursuant to specified provisions of the California Constitution and who have 12 consecutive months of service in an exempt position shall be eligible to receive 3 career credits on open nonpromotional civil service examinations under conditions prescribed by the State Personnel Board.

Existing law also provides that competitors in open nonpromotional civil service examinations who have permanent civil service status, or who have a mandatory right of reinstatement to a position with permanent civil service status, and who attain the passing mark established for the examination, shall have 3 career credits added to their earned score.

This bill would exclude competitors from the above-described existing laws when competing for managerial positions, as defined

Existing law sets forth the order of preference in certifying eligible persons for job appointments under state civil service.

This bill would change existing law to require that when an examination for a managerial position is conducted on an open and promotional basis, the names of eligibles shall be placed on one list, ranked in relative order of the examination score received and for purposes of preference in certifying eligibles the list shall be considered an eligible list

Existing law generally provides that, for the purpose of appointing persons to civil service classes designated as professional, scientific, administrative, management, or executive, or for any open employment list, the State Personnel Board shall certify to the appointing power the names and addresses of all persons whose examination scores represent the 3 highest ranks on the employment list for the class in which the position belongs. It provides that, for the purposes of ranking, scores shall be rounded off to the nearest whole percent, and that a rank consists of one or more eligible persons with the same whole percentage score

This bill would [delete the above reference in existing law to civil service classes which are designated as "executive" and would]* revise the existing law pertaining to ranking on employment lists for managerial positions. It would require the scores of applicants representing the 3 highest ranks on the employment list for the class to be divided into 6 ranks, as specified, and would require, with certain exceptions, examination scores to be rounded off to the nearest whole percent.

This bill would incorporate additional changes in Section 19054 of the Government Code, proposed by AB 3122, to be operative only if AB 3122 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch. 1246 (SB 583) Mello. Coastal development.

(1) Existing law prohibits jurisdictions lying, in whole or in part, within the coastal zone from authorizing the proposed conversion or demolition, as defined, of existing residential dwelling units for purposes of a nonresidential use which is not coastal dependent, unless the local government has first determined that a residential use is no longer feasible in that location If a local government makes this determination and authorizes the conversion or demolition, it must require replacement of any dwelling units occupied by persons and families of low or moderate income located within the coastal zone, if feasible, or located within 3 miles of the coastal zone, as prescribed

This bill would provide that, until January 1, 1985, a new time-share project, estate, or use, as defined, shall be deemed to comply with those provisions if it provides for replacement of all residential dwelling units occupied as a primary residence by persons and families of low or moderate income, as defined, with an equivalent number of residential dwelling units for persons and families of low or moderate income prior to any demolition or conversion of the existing residential use. This bill would revise the definitions of the terms "conversion" and "demolition" for those purposes.

(2) The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone. It requires, among other things, each local govern-

ment to prepare and submit for certification, to the California Coastal Commission, a local coastal program for the area of the coastal zone within its jurisdiction. Under the act, the commission is prohibited from modifying any air quality or emission standard established by the State Air Resources Board or any air pollution control district.

The bill would specify that any provision of any local coastal program which establishes or modifies any ambient air quality standard, any emission standard, or any air pollution control program or facility shall be inoperative

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1247 (AB 3116) Nolan Private detectives

(1) Existing law, which is effective until July 1, 1983, regulates the licensing and professional activities of private investigators, private patrol operators and alarm company operators and provides that no person shall engage in these businesses unless licensed under these provisions

This bill would provide that any person who engages in the above-mentioned businesses without a license is guilty of a misdemeanor punishable by a fine not greater than $500, imprisonment in the county jail for not more than 1 year, or by both fine and imprisonment This bill also provides for the gathering of evidence of violations of these provisions and the prosecution of violators, as specified

(2) Existing law requires that applicants for licenses as private investigators, private patrol operators, alarm company operators, and armored contract carriers, as defined, must be at least 18 years old, of good moral character, and comply with any other qualifications the Director of Consumer Affairs may issue.

This bill would additionally require all applicants for the above-mentioned licenses to comply with the requirements specified for that particular license.

(3) Existing law requires applicants for private investigator licenses, or their managers, to have had two years' experience in investigative work, as specified.

This bill would require all applicants to substantiate the experience, as specified.

(4) Existing law requires applicants for private patrol operator licenses, or their managers, to have had at least 1 year of experience as a patrolman, guard or watchman

This bill would require all applicants to substantiate the experience, as specified

(5) The provisions of the Private Investigators Act would be repealed by existing law on July 1, 1983

This bill would delete the repealing provision and thus permit these provisions to continue and be effective past that date

(6) Existing law provides that those persons licensed under the Private Investigators Act include, but are not limited to, private investigators, private patrol operators, repossessors, alarm company operators, and armored contract carriers All amounts of money derived from licensure and regulation of such licensees are received and accounted for by the Department of Consumer Affairs and reported to the Controller for payment to the Treasurer, and the money is kept in a separate fund known as the Private Investigator Fund.

This bill would require the Department of Consumer Affairs, on and after July 1, 1983, to prepare a separate budget and expenditure statement for money derived from and expended for the licensing and regulation of private investigators, provide that moneys derived from licensing and regulation of private investigators shall be expended exclusively on the licensing and regulation of private investigators, and require reduction of license fees in case of a surplus of revenue derived from those fees, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1248 (AB 3425) Costa. Subdivision maps

Under the Subdivision Map Act, if at the time of approval of the final map any public improvements required as a condition of the approval of the tentative map have not been completed and accepted, the subdivider is required to enter into an agreement to thereafter complete the improvements.

This bill would prohibit the city or county from postponing or refusing to approve a final map because of a condition on the approval of the tentative map that public improvements be made on land in which neither the subdivider nor the local agency has sufficient title or interest, at the time of filing of the tentative or final map, to permit the improvements to be made. In such cases, it would permit the city or county to require that the subdivider enter into an agreement to complete the improvements at such time as the city or county acquires an interest in the land which will permit the improvements to be made, and would require that the city or county, within 90 days of the filing of the final map, acquire, by negotiation or prescribed eminent domain proceedings, an interest in the land which will permit the improvements to be made. This bill would require that the condition for construction of offsite improvements be conclusively deemed to be waived in the event the city or county fails to meet the 90-day time limitation

This bill would specify that its provisions would not preclude a city or county from requiring a subdivider to pay the cost of acquiring offsite real property interests required in connection with a subdivision

Ch 1249 (SB 1808) Maddy Discovery.

Existing law provides that, at trial, testimony as to an alibi defense by a witness other than the defendant shall be good cause for a reasonable continuance unless the court finds that the prosecutor should have been aware of the evidence

This bill would instead allow a reasonable continuance after any testimony by a defense witness other than the defendant unless the court finds that the prosecutor should have been aware of the evidence

Existing law concerning discovery in criminal cases has generally been promulgated by judicial decisions

This bill would require disclosure of specified matters to the prosecution by the defendant, and by the prosecution to the defendant.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch 1250 (AB 3023) Bosco Unemployment insurance· holiday pay.

Existing law has been construed to provide that, for purposes of determining eligibility for unemployment compensation benefits, payments to an individual for holiday pay for any holiday occurring in a week in which the individual was unemployed are deemed wages received during the week in which the holiday occurred even though the individual is entitled to the holiday pay only upon returning to work.

This bill would require the holiday pay to be deemed wages received for the week in which the individual returns to work, if holiday pay is not paid until the individual returns to work

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

In compliance with Section 2231.5 of the Revenue and Taxation Code, the provisions contained in the bill for which state reimbursement is required would become inoperative as of January 1, 1989.

Ch. 1251 (AB 2072) Levine. Pretrial diversion.

Existing law authorizes the diversion, instead of criminal prosecution, of a person accused of a specified first-time drug offense, a person accused of domestic violence, and of a defendant who is mentally retarded. The diversion is for the purposes of education, treatment, and rehabilitation.

This bill would, in a county where the provisions are adopted by the board of supervisors and the program is approved by the district attorney, permit the diversion for education, treatment or rehabilitation of a defendant accused of a misdemeanor offense, except for specified offenses, if the court determines that, among other things, the defendant has no misdemeanor conviction within 5 years and no felony conviction at any time prior to the alleged commission of the charged offense.

This bill would, in such a county, require the probation department to conduct a specified investigation, and would require the court to hold a hearing, to determine whether the defendant would be benefited by diversion.

This bill would also provide for the resumption of criminal proceedings against the defendant for specified reasons.

Ch. 1252 (AB 3696) Lehman. Hazardous waste disposal: fees.

Under existing law, an operator of a hazardous waste disposal site is required to pay a fee to the State Director of Health Services in an amount detemined, as specified, by the director as necessary to cover specified administration costs Existing law also imposes a tax on the disposal of hazardous wastes, which funds, in part, the Hazardous Substance Account. The State Board of Equalization is authorized to collect these fees and taxes under various administrative procedures and to impose various penalties in connection with the deficient or delinquent payment of those fees and taxes or the failure to make a return relating to those fees and taxes.

This bill would provide that the penalty provisions shall not apply to those fees for those disposals which occurred prior to September 25, 1981.

Ch. 1253 (AB 3242) Bosco Public utilities: certificate of public convenience and necessity.

Under existing law, a public utility may not begin construction of any line, plant, or system without having first obtained from the Public Utilities Commission a certificate of public convenience and necessity.

This bill would specify additional information to be submitted by an electrical or gas corporation in applying for certification for the new construction of an electrical or gas plant, line, or extension, although an electrical or gas corporation which is applying for certification of a plant, line, or extension subject to the power facility and site certification provisions of the Warren-Alquist State Energy Resources Conservation and Development Act, would be required to submit only certain specified portions of that information.

The bill would require the commission to specify certain operating and cost characteristics when issuing a certificate of public convenience and necessity issued for the new construction of a plant, line, or extension.

The bill would also require, in the case of an application for certification of an electric plant within the state, or line or extension, in excess of 50 megawatt capacity, a gas plant, line, or extension costing in excess of $50,000,000, or any electric or gas plant out-of-state

of which at least 25% of the costs will be borne by the corporation, that the commission appoint a construction project board of consultants, as specified, to assist the commission in the design, construction, project management, and economic evaluations of the proposed plant, line, or extension, if the commission determines that a significant potential for the occurrence of problems exists. The board members would be prohibited from having current financial interests, as defined by the commission, in the project.

The bill would authorize the board, with approval of the commission, to employ staff independent of the commission The board members would be paid fees and expenses by the commission. The commission would be authorized to collect reimbursement of these amounts from the corporation whose project is being evaluated by the board, which amounts would be deposited in the Certification Fund, which would be created by the bill, and would be continuously appropriated to the commission. The bill would authorize the commission to include the amount of these reimbursements in the corporation's authorized expenses for ratemaking purposes.

The bill would direct the corporation, for purposes of assisting the board's monitoring of the project, to provide information to the board which it determines necessary, and direct the board to make reports of its evaluations to the commission prior to the commission's issuance of a certificate. The bill would require that this evaluation be conducted so as not to unreasonably delay the contracts, bidding, and awards process. It would direct the corporation to submit specified documents and information to the commission and the board prior to awarding any major construction contract It would direct the corporation to submit various monthly reports to the commission and board during the course of design and construction, including the status of the project and a statement of whether the project is proceeding as authorized and is within 10% of the cost estimate. It would direct the board to submit quarterly reports to the commission and the corporation if the board determines that a potential for major problems exists It would direct the board to submit a final report of its findings and recommendations It would direct the commission and corporation to provide a public response in writing to all reports, findings, and recommendations of the board within 45 days after receiving them. Copies of the board's reports containing its findings and recommendations would also be required to be made available to the public, at cost, at the same time that the reports are issued to the commission and corporation, and the public would have 45 days to respond in writing to the commission on the reports It would specify that nothing in the bill shall relieve the corporation of its ultimate responsibility for the project or make the board or any member thereof responsible for any part of the project.

The bill would also state the intent of the Legislature in enacting these provisions

Ch. 1254 (AB 3605) Alatorre Redistricting. councilmanic districts

Existing law provides for the decennial adjustment of councilmanic district boundaries based on the decennial federal census

Under the existing law, a voter may bring an action, as specified, within 30 days after the adoption of the redistricting ordinance

This bill would allow a voter to bring an action within 42 days of the adoption of the ordinance, rather than 30 days.

Ch. 1255 (AB 2457) Young Transportation

(1) Under existing law, the State Fire Marshal is required to adopt regulations for the design, construction, and maintenance of cargo tanks, as defined, and the inspection and registration of cargo tanks, as defined, and tank vehicles, as defined, which carry flammable or combustible liquids Operation of such a vehicle on the highways is prohibited unless registered and certified as inspected.

This bill would transfer the enforcement, inspection, and registration duties described above to the Commissioner of, and the Department of, the California Highway Patrol and would make related changes The bill would raise the registration fees from $30 per biennial period to not more than $50 per year, and would raise the fees for duplicate or transfers of registration, or certificates of compliance from $5 to $10 The registration period would be changed from every 2 calendar years to a one year year-round registration, as specified.

The bill would also authorize the commissioner to enter into any interagency agreement with the State Board of Equalization to enforce requirements for foreign commer-

cial vehicles to have a diesel fuel tax permit and to make required payments to the board

(2) Existing law authorizes local authorities to adopt rules and regulations regulating, among other things, vehicular traffic in tunnels, subject to the approval of the Department of Transportation for state highways

This bill would require, with respect to restriction on use of tunnels on state highways by cargo tank vehicles displaying flammable liquids placards, that the Department of Transportation conduct public hearings after specified notice and to consult with the Department of the California Highway Patrol before approving local regulations restricting or prohibiting the use of tunnels on state highways. The bill would also require those hearings before the Department of Transportation may adopt its own rules and regulations for the purpose of regulating the time when tank vehicles may use a tunnel on a state highway, which the bill would authorize the Department of Transportation to adopt

(3) Existing law requires the State Air Resources Board to annually certify the vapor recovery system on cargo tanks on any tank vehicle used to transport gasoline The state board is required to charge a fee for that certification.

This bill would authorize the state board to contract with the Department of the California Highway Patrol to perform the annual certification testing and to collect the fees. The bill would limit the total fees for registration of a cargo tank by the department, including the certification of a vapor recovery system, to $65. The bill would make other conforming changes

(4) Existing law requires every retailer, wholesaler, distributor, manufacturer, refiner, or commercial motor carrier transporting hazardous material in excess of 500 pounds to be licensed.

This bill would revise that provision to instead require every motor carrier who transports for a fee in excess of that weight of hazardous materials of the type requiring placards pursuant to specified provisions, to be licensed, and would incorporate additional changes to Section 32000.5 of the Vehicle Code proposed by AB 2739

The bill would also exempt certain specified fireworks from provisions of the Vehicle Code relating to the transportation of hazardous material.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1256 (AB 2778) Moore. Community antenna television

(1) Under existing law, the governing body of a city or county or city and county may authorize by franchise or license the construction of a community antenna television system. The law presently imposes maximum limitations on the amounts of fees for the granting of such franchise or license and permits the award of a franchise to be made on the basis of, among other things, the rates to the subscriber.

Under existing law, a cable television system franchisee which meets specified conditions may elect to be exempt from regulation of subscriber rates by the franchisor, or, if other specified conditions are met, may unilaterally adjust its rates by a prescribed amount.

The bill would revise those conditions, the existence of which enable a franchisee to elect to be exempt from local rate regulation or to unilaterally adjust its rates.

(2) This bill would prohibit either party to a franchise or prospective franchise from requesting or demanding a waiver, proposing, or agreeing to waive, any right of the cable television system franchisee.

(3) The existing law under which a cable television franchisee may, upon the exist-

ence of certain conditions, elect to be exempt from rate regulation or may adjust its rates within prescribed limits, terminates January 1, 1984.

This bill would extend the termination date of such provisions to January 1, 1991.

(4) The bill would define and redefine various statutory terms relative to cable television.

(5) The bill would incorporate additional changes to Section 53066.1 of the Government Code proposed by AB 3685, to take effect if both bills are chaptered and this bill is chaptered after AB 3685.

Ch. 1257 (SB 2052) Marks Onsite wastewater disposal.

Under existing provisions of law, applicable only to the San Lorenzo Valley Water District and the Stinson Beach County Water District, a lien may be created, as specified, for certain work done to replace or repair an onsite wastewater disposal system which is subject to abatement as a public nuisance.

This bill would authorize the governing board, with the written consent of the owner and the lienholder if other than the district, to issue an improvement bond pursuant to the provisions of the Improvement Act of 1911 authorizing the issuance of improvement bonds, to represent and be secured by the lien, and would prescribe related matters.

Ch. 1258 (AB 1447) Roos. Commission on State Finance.

Existing law provides for the termination of the existence of the Commission on State Finance on July 1, 1984

This bill would extend the commission's existence until July 1, 1994.

Ch. 1259 (AB 2886) N. Waters Domestic water supply systems

Existing law (the California Safe Drinking Water Bond Law of 1976) permits the Legislature to authorize, subject to specified limits, the use of bond proceeds in the California Safe Drinking Water Fund for a grant program, with grants provided to water suppliers that are political subdivisions of the state, if it is determined that the suppliers are otherwise unable to meet minimum safe drinking water standards established pursuant to applicable provisions of law Chapter 322 of the Statutes of 1978 authorizes the use of bond proceeds for such a grant program with any grant to be made only upon the specific approval of the Legislature, by an act enacted after the receipt of a report on the grant application filed by the Department of Water Resources.

This bill would require that the remaining funds available for purposes of the California Safe Drinking Water Grant Program not subject to a letter of commitment by the Department of Water Resources as of June 15, 1982, be provided to those agencies selected by the Department of Water Resources and the State Department of Health Services from among those for which the Legislature has specifically approved grants. The bill would make legislative findings and declarations in this connection, and specify related matters.

This bill would also authorize grants not to exceed the amount of $400,000 from the California Safe Drinking Water Fund to the Keeler Community Services District, not to exceed $400,000 each to the Tuolumne Regional Water District for the Brentwood water system service area, the Tuolumne Regional Water District—Improvement District No. 11 for the Lakewood water system service area, and the Tuolumne Regional Water District—Improvement District No 10 for the Confidence Ridge water system service area, not to exceed $400,000 each to the El Dorado Irrigation District for the Outingdale water system service area, the Pollock Pines water system service area, and the Strawberry water system service area, not to exceed $210,000 to the San Joaquin County Waterworks District No 2, and not to exceed $250,000 to the Pioneer Community Services District, for the purpose of improving their domestic water systems to meet, at a minimum, safe drinking water standards The bill would make legislative findings in that connection The bill would require the Department of Water Resources to determine eligibility for the grants in accordance with specified provisions of law.

The bill would take effect immediately as an urgency statute.

Ch. 1260 (AB 2949) Alatorre Elections public records

Existing law does not exempt requests for bilingual ballots or ballot pamphlets from the operation of the Public Records Act

This bill would provide that exemption

Ch 1261 (AB 2444) Papan. Diversion program.

Under the existing Dental Practice Act, a licentiate may have his or her license revoked or suspended or be reprimanded or be placed on probation by the Board of Dental Examiners of California for unprofessional conduct, which includes the use of drugs or intoxicating substances to an extent which impairs the licentiate's ability to practice in a safe manner

This bill would provide an alternative to such disciplinary actions by creating a voluntary diversion program to be established by the Board of Dental Examiners of California The program would be designed to rehabilitate licentiates and enable them to return to the practice of dentistry The bill would require the board to establish a diversion evaluation committee or committees which would be responsible for performing various functions necessary for the operation of the program, as specified.

The bill would also require the Auditor General to conduct a study to review the operation of drug diversion programs administered by the Board of Medical Quality Assurance, the Board of Examiners in Veterinary Medicine, and the Board of Dental Examiners A report of the study would be required to be submitted to the Legislature by December 31, 1984.

Ch 1262 (AB 3484) Agnos. Private investigators. security guards

(1) Under existing law known as the Private Investigators Act, specified persons licensed thereunder, as well as employees of specified persons licensed thereunder, who perform guard or private patrol service are required to satisfactorily complete a course of training in the exercise of the power to arrest, as specified. Some of these individuals are also required to satisfactorily complete a course of training in the carrying and use of firearms, as specified.

This bill would repeal these provisions and would enact in their place provisions relating to (1) the registration of employees of a licensed private patrol operator who perform the functions of a security guard or a security patrolperson, and the requirement that these employees satisfactorily complete courses of training in the exercise of the power to arrest and in the carrying and use of firearms, as specified, (2) the application and qualification, as specified, for a permit to carry firearms, batons, or tear gas or other nonlethal chemical agents which would be required of specified persons who in the course of their employment carry or use firearms, batons, or tear gas or other nonlethal chemical agents, and (3) the application and qualification, and review procedures as specified, for certification as a firearms training facility, a firearms training instructor, a baton training facility, or a baton training instructor, and the functions and duties of such certified individuals. The bill would set forth, as specified, various application, examination, certification, and renewal fees, in addition to those provided for in existing law, and would also set forth various prohibited acts which would be punishable by administrative fines, which fees and fines would be placed in the Private Investigator Fund to be expended in accordance with law for the purpose of carrying out the provisions of the Private Investigators Law

This bill would, in addition, create a 9-member Advisory Board on Private Security Services which would have various administrative, advisory, and oversight functions

This bill would also create a 5-member Private Security Review Committee which would affirm, rescind, or modify all appeals which concern administrative fines or denials, revocations, or suspensions of licenses, registrations, or certificates ordered by the Director of Consumer Affairs.

This bill would enact provisions requiring a private patrol operator who employs a security guard who carries a firearm as part of his or her duties to maintain a liability insurance policy with specified minimum limits

(2) Existing law provides that hearings held pursuant to the Private Investigators Act shall be held in conformity with established procedures common to administrative hearings

This bill would exempt from those provisions reviews held at the request of a licensee pursuant to the Private Investigators Act.

(3) Existing law provides that a private patrol operator shall not fail to properly maintain accurate records of all firearms or deadly weapons in his or her or any em-

ployee's possession.

This bill would set forth a reporting procedure in the event that a firearm is discovered misplaced, lost, stolen. or otherwise missing.

(4) Existing law provides exceptions to the provisions relating to the criminal offense of carrying a loaded firearm on the person or in a vehicle.

This bill would include in the exception uniformed alarm agents and security guards while on duty or en route to or from their residence or employment or employer-required range training.

(5) Under existing law, the Private Investigator Act is to be repealed on July 1, 1983.

This bill would delete that repealer.

This bill would make other conforming and technical changes.

This bill would also appropriate the sum of $64,000 from the unencumbered balance in the Private Investigator Fund to the Bureau of Collection and Investigative Services for the purpose of implementation and continued enforcement of the provisions of the bill.

The bill would make additional changes in Section 7543.5 of the Business and Professions Code proposed by AB 2456 to be operative only if AB 2456 and this bill are both chaptered, and this bill is chaptered after AB 2456.

The bill would make additional changes in Section 7550.5 of the Business and Professions Code proposed by SB 673 to be operative only if SB 673 and this bill are both chaptered, and this bill is chaptered after SB 673.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1263 (AB 2099) Roos. Housing. density bonuses.

(1) Under existing law, a city, chartered city, county, or city and county is required to provide for specified density bonuses or other defined incentives for housing developments which include at least 25% low- or moderate-income housing units. When there is a direct financial contribution to a housing development, the locality is required to assure the continued availability of such units for 30 years.

This bill would require the locality to grant a density bonus or incentives of equivalent financial value for developments which include at least 25% low- or moderate-income housing units or, in the alternative, at least 10% for lower income households, as defined. This bill would authorize the submission to the locality by developers of preliminary proposals for these types of developments prior to the submission of any formal requests for general plan amendments, zoning amendments, or subdivision map approvals and would require the locality to notify developers, as prescribed, of its intended action regarding those proposals. The bill would authorize the locality to grant more than one density bonus for developments which include both alternatives

(2) This bill would make a change in Section 65302 of the Government Code to effectuate a recommendation made by the Legislative Counsel to the Legislature for consideration during 1981, which would not make any substantive change in the law

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(5) This bill would take effect immediately as an urgency statute.

Ch 1264 (AB 2465) McAlister Insurance

Existing law provides that persons desiring to form a nonprofit hospital service corporation shall incorporate pursuant to specified provisions of the Insurance Code and the Nonprofit Hospital Service Plan Law

This bill would additionally specify the exclusive authority of the Insurance Commissioner to regulate organizations formed pursuant to those provisions, as specified

Existing law provides that not more than ½ of the directors of a nonprofit hospital service corporation shall be duly appointed representatives of hospitals, as specified

This bill would instead provide, with specified exceptions, that not more than ⅓ of the directors of the corporation shall be duly appointed representatives of hospitals with the remaining, ⅔ to be duly appointed public representatives.

Ch. 1265 (SB 1699) Petris. Shorthand reporters.

Existing law authorizes the Certified Shorthand Reporters Board to receive and to take appropriate action on complaints received and to notify the complainant of action taken on the complaint

This bill would require that information regarding a complaint against a licensee of the board not be disclosed to the public until an accusation has been filed and the licensee has been informed of the filing of the accusation.

Existing law prohibits any person from engaging in the practice of shorthand reporting unless certified by the board, except for specified persons employed as hearing reporters and authorizes the employment of a noncertified shorthand reporter until a certified shorthand reporter is available, as specified

This bill would provide that the prohibition applies to all persons who are appointed, on and after January 1, 1983, to the position of official reporter or pro tempore official reporter of any court, as defined, except those persons employed as hearing reporters and would delete, effective February 1, 1984, the authorization to employ a noncertified shorthand reporter when a certified shorthand reporter is not available.

Existing law defines the practice of shorthand reporting as the recording of any oral court proceeding, deposition or proceedings before any grand jury, referee, or court commissioner by means of written symbols or abbreviations in shorthand or by machine.

This bill would include in that definition the accurate transcription of the recording

Existing law provides that a violation of any provision of the law regulating certified shorthand reporters is a misdemeanor

This bill would, in addition, make it a misdemeanor for any person to assist, abet, or conspire to aid or abet, in the violation of any of those provisions.

Existing law specifies the qualifications for admission to the examination for a certificate as a shorthand reporter and includes, among other things, the receiving of a passing grade on the National Shorthand Reporters Association School graduation test.

This bill would delete that requirement

Existing law specified the grounds for the revocation and suspension of a certificate as a shorthand reporter and includes, among other things, unprofessional conduct

This bill would provide that unprofessional conduct includes, but is not limited to, acts contrary to professional standards concerning confidentiality, impartiality, filing and retention of notes; notification, availability, delivery, execution and certification of transcripts, and any provisions of law substantially related to the duties of a certified shorthand reporter.

Existing law does not specify the procedure for the recognition of a shorthand reporting school by the Certified Shorthand Reporters Board.

This bill would provide for the recognition of those schools by the board

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1266 (SB 1708) Johnson. State property: sale, lease, or exchange.

Existing law generally vests in the Director of the Department of General Services the power to sell, lease, or exchange state-owned real property according to the best interests of the state.

This bill would authorize the director to sell, exchange, or lease, according to the best interest of the state, specified real property located in the City of Los Angeles and in the County of San Bernardino, with the approval of the State Public Works Board; to exchange specified real property located in the County of Shasta and in the County of Mendocino, with the approval of the State Public Works Board and the Director of Parks and Recreation; to sell or exchange specified real property located in the County of San Joaquin, with the approval of the State Public Works Board and the Director of Food and Agriculture, to exchange or sell real property located in the County of Placer, the City and County of Sacramento, the County of Monterey, and the County of San Diego, with the approval of the State Public Works Board and the Director of Parks and Recreation; and to sell or lease specified real property located in the County of Alameda which is subject to a final consent decree, as specified, with the approval of the Director of Housing and Community Development.

With regard to specified real property located in the County of Shasta, the bill specifies that no General Fund money shall be used for the development of any land exchanged for the property and that the Department of General Services shall not proceed to escrow without specific legislative approval of an exchange of the property.

This bill would authorize the Director of Transportation, pursuant to Article XIX of the California Constitution, to transfer to the Department of Parks and Recreation real property located in the coastal zone, as specified.

This bill would require that all proceeds be paid into the General Fund, except as specified, and would require the Director of General Services to reserve to the state mineral rights, as specified.

Ch. 1267 (SB 1720) Russell. Public Nuisances.

Existing law provides that the remedies against a public nuisance are indictment or information, a civil action, or abatement.

This bill would provide that where a court enjoins the sale, distribution or public exhibition for commercial consideration of obscene matter, as defined, the court may award costs to the prevailing government agency which instituted the action.

Ch. 1268 (AB 2416) McAlister. Marketable record title.

Under existing law, various interests of record, including ancient mortgages and deeds of trust, unexercised options, powers of termination, and unperformed contracts for sale of real property, create uncertainty as to the marketability of title to real property and may serve to appear to encumber the property even though there is no encumbrance in fact. Judicial action to quiet title or to remove a cloud on title may become necessary to ensure marketable title.

This bill would fix the expiration date, as specified, for each of the following:

(1) Ancient mortgages and deeds of trust, (2) unexercised options; (3) powers of termination, except as specified, and (4) recorded unperformed contracts for the sale of real property

This bill would apply to all mortgages, deeds of trust or other instruments that create a security interest in real property to secure an obligation, unexercised options, powers of termination and recorded unperformed contracts for sale of real property executed before, on, or after the operative date, except as otherwise specified.

This bill would provide for the preservation of a person's interest from expiration by recording a notice of intent to preserve the interest, as specified. It would prescribe the procedures for and contents of the notice of intent to preserve an interest.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1269 (AB 643) Berman Health planning: certificate of need· certificate of exemption.

(1) Existing law requires that a certificate of need be obtained before certain health facility projects are commenced. This law defines capital expenditure for purposes of certificate-of-need requirements.

This bill would state that the construction, modernization, purchase, lease, or other acquisition of parking lots or parking structures, telephone systems, and nonclinical data-processing systems shall not be considered "projects" as used in specified provisions relating to projects with a certain capital expenditure.

The bill would revise the base year for adjusting certain capital expenditure dollar thresholds to reflect changes in the cost of living

(2) There are 2 identical provisions in existing law which require the Office of Statewide Health Planning and Development to exempt from certain otherwise applicable provisions and to issue a certificate of need for a project to add not more than 10% of licensed bed capacity or 10 beds, whichever is less, to an existing general acute care hospital if prescribed conditions are satisfied.

This bill would repeal one of these provisons but would make a hospital which, on or before the effective date of this act, filed an application or applications pursuant to both provisions, or a written notice or notices of intent to apply under both sections, followed within 30 days by applications under both sections, entitled to receive a certificate of need under each provision.

This bill would also require the office to exempt from the otherwise applicable provisions and to issue a certificate of need for a project to add not more than 10% of licensed bed capacity or 10 beds, whichever is less, to an existing acute psychiatric hospital, an existing special hospital, an existing general acute care/rehabilitation hospital, or an existing chemical dependency recovery hospital if prescribed conditions are satisfied.

This bill would also revise the conditions which must be satisfied for the issuance of a certificate of need in the above situations.

(3) Existing law provides for the issuance of certificates of exemption for certain health facility projects.

This bill would provide that a certificate of exemption issued under specified provisions shall have the same effect as a certificate of need.

(4) Existing law requires area health planning agencies to hold a public meeting, as specified, on applications for certificates of need within 30 days of receipt of a copy of the application

This bill would require such a meeting only if a person affected by the application, as defined, requests such a meeting, and would permit the area health planning agency to hold a hearing on other applications if it determines that the public interest could be furthered by the hearing. It would also revise the definition of the term "person affected by the application."

(5) This bill would take effect immediately as an urgency statute.

Ch. 1270 (AB 3313) Berman. Public employees: salary and wage deductions.

(1) Existing law permits officers and employees of local public agencies and the state to authorize deductions from their salaries or wages for the purchase of United States savings bonds and similar United States obligations.

This bill would delete the authority to authorize these deductions for the purchase of similar United States obligations.

(2) Existing law permits state officers and employees to authorize deductions to be made from their salaries or wages for the payment of specified items.

This bill would instead limit these authorized deductions to state employees who receive wages through the uniform payroll system administered by the Controller, and would revise the items for which deductions may be authorized.

(3) Existing law permits officers and employees of a public agency to authorize deductions from their salaries or wages for the payment of specified items.

This bill would revise the items for which deductions may be authorized, and would require the officer administering payroll deductions to perform specified acts, including, among others, collecting the costs of performing the requested deduction from the entity requesting or authorizing the deduction.

(4) Existing law governs employer-employee relations for state civil service employees and higher education employees, including employees of the California State University.

This bill would, in addition, require the state civil service employer and the Trustees of the California State University to adopt reasonable rules and regulations for registering employee organizations, as defined, and bona fide associations, as defined, and for determining the status of, and identifying the officers and representatives who represent, these organizations and associations.

(5) Existing law requires the Controller to establish and maintain a payroll roster of all persons employed by every state agency.

This bill would, in addition, provide that with the agreement of the Controller, any modification, addition, or deletion to the payroll roster may be done electronically, and the data base entry would be certified notification of the appointing powers action for disbursement, or other acts in reliance, by the Controller.

(6) Existing law requires the Secretary of the Health and Welfare Agency, with the advice and concurrence of the Fair Employment and Housing Commission, to establish standards for determining which persons are protected by provisions prohibiting discrimination under any program or activity funded by the state or which receives any financial assistance from the state, and to establish guidelines for determining what practices are discriminatory under these provisions.

This bill would require the establishment of standards, rather than guidelines, for determining what practices are discriminatory under these provisions

(7) Existing law requires every state and local public retirement system to permit any person entitled to the receipt of benefits to designate that payment of those benefits be transmitted to a financial institution for deposit in the person's account

This bill would provide that, notwithstanding any other provision of law, any person entitled to the receipt of benefits from any state retirement system may authorize the payment of the benefits to be directly deposited by electronic fund transfer into the person's account at the financial institution of his or her choice, and would authorize the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit thereof by electronic fund transfer.

(8) Existing law does not specifically authorize the direct deposit by electronic fund transfer of the salaries or wages of state officers and employees.

This bill would provide that state officers and employees may authorize the direct deposit by electronic fund transfer of their salaries and wages into an account at the financial institution of the person's choice, and would authorize the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit by electronic fund transfer of state officers' and employees' salaries and wages.

(9) This bill would require that an itemized statement be furnished on a quarterly basis to a state employee who has authorized the direct deposit by electronic fund transfer of salaries or wages.

(10) Existing law provides that the changes made to the law governing deductions from state employee salaries and wages by Chapter 1831 of the Statutes of 1965 shall not affect the continuation of insurance or other programs for which deductions were authorized by law prior to the effective date of those changes.

This bill would repeal this provision.

(11) This bill would require the Auditor General to investigate and report to the Legislature by January 1, 1983, on the feasibility and cost of deposit of retirement benefits and salaries of state officers and employees, by electronic fund transfer.

(12) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1271 (AB 3670) Thurman Districts: director's compensation.

(1) Under the Community Services District Law, directors of a community services district may receive compensation not to exceed $50 per day, subject to specified limitations.

This bill would increase that maximum amount to $100 per day.

(2) Under the Irrigation District Law, directors of any irrigation district containing 500,000 acres or more receive a salary not to exceed $500 per month.

This bill would increase the maximum salary which may be received to $600 per month.

(3) Under the Irrigation District Law, in irrigation districts producing or distributing electric power, directors receive not exceeding $100 per day or, in lieu thereof, a monthly salary of not to exceed $500 per month

This bill would increase the maximum salary to $600 per month.

(4) Under existing law, members of a board of directors of a municipal utility district not having 7 members may receive compensation not exceeding $50 per meeting attended, not exceeding 2 meetings in any calendar month

This bill would increase the maximum amount of the compensation to $100 per meeting attended or for each day's service rendered as a director by request of the board, not exceeding 6 days in any calendar month

(5) Existing law limits the compensation of a member of the board of directors of a sanitary district or county sanitation district to an amount not to exceed $75 per meeting or per day, nor $300 in any one month, except that the compensation of a board member who also receives compensation as an elected member of the governing board of another local agency may not exceed $50 per meeting or per day, nor $200 in any one month.

This bill would limit the exception to those board members who receive as their principal source of income a salary for serving as a full-time elected official on the governing board of another local agency.

Ch. 1272 (AB 2253) Hart. School and community college districts: trustee areas: child nutrition obligations

(1) Under existing law, the county committee on school district organization, upon petition of the governing board of any school district or community college district, may provide for the establishment, rearrangement, or abolishment of trustee areas in that school or community college district, as specified.

This bill would require the governing board of any school district or community college district in which trustee areas have been established, and in which each trustee is elected by the residents of the area he or she represents, to adjust the boundaries of the trustee areas of the district following each decennial federal census, so that the population of each trustee area shall be in proper proportion to the whole.

This bill would provide that if the governing board of the district does not adjust the boundaries of its trustee areas by March 1 of the year following the release of the results of each decennial census, the county committee on school district organization shall do so by April 30 of that year. This bill would require the governing board of the school or community college district to reimburse all reasonable costs incurred by the county committee in adjusting the boundaries

The changes made by this bill would not apply to multiple campus community college districts with campuses in more than one county.

[(2) Existing law provides that only certain noncredit classes or courses offered by community college districts are eligible for state apportionments. However, a community college district may charge a fee for any noncredit class or course which is not eligible for state apportionments]*

[This bill would repeal the provisions which authorize community college districts to charge fees for noncredit classes or courses which are not eligible for state apportionments]*

~~(2)~~ [(3)]* This bill would appropriate from federal funds received pursuant to specified sections of the National School Lunch Act and the Child Nutrition Act of 1966, an amount sufficient for payment of child nutrition obligations still outstanding for fiscal years 1977–78, 1978–79, and 1979–80, and would require the Superintendent of Public Instruction to certify to the Controller the amounts to be paid from these funds.

~~(3)~~ [(4)]* Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

Ch. 1273 (AB 3354) Ingalls Vehicles· fees

(1) Existing law defines a tow car for the purposes of the Vehicle Code.

This bill would specifically authorize persons licensed as a repossession agency to utilize a tow car for the repossession of vehicles

(2) Under existing law, the Department of Motor Vehicles is presently authorized to sell information from, and copies of, its records concerning the registration of any vehicle or information from the files of drivers' licenses at a charge sufficient to pay the actual cost to the department for providing the information, as determined by the Director of Motor Vehicles, with a minimum charge of $0 25 per item.

This bill would delete the reference to the minimum charge

(3) Under existing law, the Commissioner of the California Highway Patrol is permitted to authorize the Director of Motor Vehicles to administer regulations relating to the issuance, suspension, or revocation of ambulance drivers' certificates.

This bill would authorize the commissioner to authorize the director to charge a fee of $12 for the issuance of the certificates. The bill would also require the Department of the California Highway Patrol to prepare, and make available for purchase, an ambulance driver's handbook

(4) Under existing law, the Department of the California Highway Patrol is required to annually inspect and certify every youth bus, and the commissioner may determine the fee for the annual inspection. An applicant for a certificate is required to pay the fee at the time of inspection

This bill would delete the requirement to pay at the time of inspection and, instead, would permit the commissioner to determine the method of collection of the fee.

(5) Under existing law, the Department of Motor Vehicles may issue special motor vehicle license plates to specified persons, for which an additional fee is imposed. Among others, special plates may be issued as follows

(a) To a person holding an unexpired amateur radio station license, other than a novice station license, for a fee of $15 for initial issuance and $7 for transfer to another vehicle.

(b) To a newspaper, newsreel, or television photographer or cameraman, for a fee of $12 for initial issuance and $7 for transfer to another vehicle

(c) To a person holding an unexpired license for a class D radio station in the Citizens Radio Service, for a fee of $20 for initial issuance and $10 for each succeeding year the vehicle is registered.

This bill would revise the fees as follows:

Increase the fee to $20 for the initial issuance of plates to persons described in (a) and (b) above, and increase the fee to $12 for the transfer of those plates to another vehicle.

Increase the fee to $15 per year for the subsequent registration of vehicles registered to persons described in (c) above.

The bill would also delete the provision excluding the holder of a novice station license from being eligible to apply for issuance of the special license plates.

(6) Existing law establishes a per diem of $25 for each member of the New Motor Vehicle Board.

This bill would increase the per diem to $100.

(7) Under existing law, the fee for a license issued to a vehicle manufacturer, manufacturer branch, distributor, distributor branch, transporter, representative, or dealer is $25 for an original license or ownership change which requires a new application, and $15 if an existing license is altered for specified reasons. The fee for a license issued to a lessor-retailer or a dismantler is $25 for the original license and $15 if an existing license is altered for specified reasons.

This bill would increase the fee to $150 for an original license (or ownership change) issued to a dealer or lessor-retailer, and $70 if an existing license is altered.

The fee for a license issued to a dismantler, manufacturer, manufacturer branch, distributor, distributor branch, or transporter would be increased to $100 for the original license (or ownership change) and $50 if an existing license is altered. The fee for an original license (or ownership change) issued to a representative would be increased to $50.

(8) Existing law requires a penalty to be added to any application made on or after

December 1st for renewal of any special plate or plates issued under the occupational licensing and business regulation provisions and requires a penalty of 50% to be added to the license fee for an occupational or business license for failure to make application when required.

This bill would delete those penalty requirements.

(9) Existing law requires that a driving school operator obtain a license from the department. There is a fee of $50 for an application to take the examination to obtain the required license.

This bill would increase the fee to $100

(10) Under existing law, a vehicle verifier is required to have a permit issued by the department. The fee for the issuance of an original vehicle verifier's permit is $25.

This bill would increase the fee to $50.

(11) Under existing law, a vehicle salesman is required to have a license issued by the department. The fee for the original issuance of a license is $30, and the fee for renewal is $20.

This bill would increase the fee for the original issuance to $50, and reduce the fee for renewal to $15.

(12) Existing law prohibits any person from operating a schoolbus unless the person holds a valid driver's license and a schoolbus driver's certificate.

This bill would instead prohibit any person to operate a schoolbus or pupil activity bus, unless the person has in his or her immediate possession a valid driver's license for the appropriate class of vehicle to be driven, and when transporting pupils at or below the 12th-grade level to or from a public or private school, or to or from a public or private school activity, the person has also in his or her immediate possession a certificate for operation of the vehicle.

The bill would also require an applicant for a schoolbus or school pupil activity bus certificate to meet the requirements adopted by the Department of the California Highway Patrol and would authorize the department to charge a fee of $12 for the costs of issuing the certificate

(13) Existing law prohibits any person from operating a farm labor vehicle transporting one or more farmworker passengers unless the person has a driver's license and a certificate to operate a farm labor vehicle.

This bill also would require payment of a fee of $12 before the certificate is to be issued.

(14) Existing law requires that any person operating special equipment which requires permission from state or local authorities for the operation of the equipment upon a highway, have a driver's license which is properly endorsed or to which is attached a special construction equipment certificate.

This bill would require that the certificate be issued upon qualification by examination and upon payment of a fee of $12 to the Department of the California Highway Patrol.

[(15) Existing law provides for certification of drivers of youth buses by the Department of the California Highway Patrol upon qualification by examination]*

[This bill would require payment of an examination fee of $12 to the Department of the California Highway Patrol.]*

~~(15)~~ [(16)]* Existing law imposes a fee of $3 for an application for transfer of ownership or any interest of an owner or legal owner in or to any off-highway motor vehicle.

This bill would increase the fee to $15.

~~(16)~~ [(17)]* Under existing law, there is a year-round registration system under which vehicles are registered for a 12-month period Every vehicle registration and registration card expire on midnight on an expiration date designated by the director.

This current system replaced a prior registration system under which registration expired on December 31 of every year Included in the statutes which provided for the transition to the current year-round system were provisions which authorized the director to assign or reassign a vehicle registration renewal date and specified the fees for renewal if, under those dates, the registration year was other than 12 months.

This bill would repeal those provisions regarding the assignment or reassignment of vehicle registration renewal dates and the fees in connection therewith.

~~(17)~~ [(18)]* Existing law requires payment of a fee of $10 upon application for the issuance of a duplicate driver's license.

This bill would also impose a fee of $10 on applications for a change of name.

~~(18)~~ [(19)]* Existing law requires every retailer, wholesaler, distributor, manufac-

turer, refiner, or commercial motor carrier transporting hazardous material in excess of 500 pounds to be licensed.

This bill would revise that provision to instead require every motor carrier who transports for a fee in excess of that weight of hazardous materials of the type requiring placards pursuant to specified provisions, to be licensed, and would incorporate additional changes to Section 32000.5 of the Vehicle Code proposed by AB 2739.

Ch. 1274 (AB 2932) Vasconcellos. Sales and use taxes: computer industry.

Existing Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless the sale or use is exempted from that tax.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

This bill would provide that "sale" and "purchase", for purposes of the sales and use tax, do not include the design, development, writing, translation, fabrication, lease, or transfer for a consideration of title or possession, of a custom computer program, other than a basic operational program, as defined, either in the form of written procedures or in the form of storage media on which, or in which, the program is recorded, or any required documentation or manuals designed to facilitate the use of the custom computer program so transferred It would also make legislative findings and declarations that those provisions are declaratory of existing law, and would prescribe a procedure for the cancellation and refund of certain taxes with respect to custom computer programs

Under existing law, the administration and enforcement of the sales and use taxes is the duty of the State Board of Equalization

This bill would require, until January 1, 1986, the State Board of Equalization to provide notice, as specified, of the application of the sales and use tax laws to automatic data-processing services and equipment, as defined, and to other related items of particular interest to the computer industry.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit district, for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

Ch. 1275 (AB 3048) Kapiloff. Vehicles: carrying of minors and animals.

(1) Existing law prohibits any person from riding on any vehicle or portion thereof not designed or intended for the use of passengers, excepting an employee engaged in the necessary discharge of his duties or persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

This bill would prohibit any person driving a motortruck from transporting any minor in the back of the motortruck on a highway in a space intended for any load on the vehicle unless the space is enclosed, as specified, the vehicle has installed means of preventing the discharging of the minor, or the minor is secured to the vehicle in a manner which will prevent the minor from being thrown, falling, or jumping from the vehicle. The bill would exempt from that prohibition the transportation of a minor in the back of the motortruck when the minor is accompanied by an adult in the back of the motortruck. This bill would also define "minor" for purposes of this bill as any person 12 years of age or under

(2) The bill would require the Department of the California Highway Patrol to conduct a study to determine the number of accidents caused by an animal being discharged by jumping or falling from a vehicle upon a freeway. The bill would require the department to report the results of the study by December 31, 1983, and annually thereafter. This provision would be repealed by the bill on January 1, 1986.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement

is required by this act for a specified reason.

Ch. 1276 (SB 1337) Watson Youth.

Existing law requires the juvenile court, upon petition by the district attorney, to order the parent or other person legally responsible for the support of a minor to reimburse the county for the support of a minor adjudged to be a dependent child or ward of the court who is placed in an out-of-home facility, as specified.

This bill would provide for the liability of the parent or other person legally responsible for the support of a minor for the support of such a minor who is voluntarily placed in 24-hour out-of-home care and receives funds from specified sources It also would authorize the superior court, upon petition by the district attorney, to order a parent to reimburse the county for the support of such a minor. It also would revise the procedure under existing law for entry of orders for parental support of a child who is a dependent child or ward of the juvenile court and who is in an out-of-home facility to provide that such an order is to be sought in and issued by the superior court, as specified. It also would make that procedure applicable to orders for reimbursement of the costs of legal services and probation supervision rendered pursuant to the juvenile court law, as specified.

Existing law provides that it is the intention of the Legislature that the increase in income to the General Fund as a result of the above mentioned provision of current law relating to reimbursement for the support of minors who are dependent children or wards of the juvenile court shall be used to fund foster children services in the annual Budget Act

This bill would provide that until January 1, 1987, the income from that reimbursement as well as the additional reimbursement that would be provided by this bill and which is received by the state shall be distributed, as specified, including distribution by the State Department of Social Services in a specified manner, and deposited in the Foster Parent Training Fund that would be established by the bill to be used for the purpose of supporting foster youth group programs and a designated foster parent training program, as specified. Funds remaining in the Foster Parent Training Fund after a designated maximum fiscal year expenditure would be transferred to the General Fund for expenditure for any public purpose.

It would also make related changes in the method of financing foster youth service programs, as specified

The provisions relating to the financing of foster youth group programs and the foster parent training program from the Foster Parent Training Fund would be repealed January 1, 1987.

It also would make a designated appropriation to the Support Enforcement Incentive Fund.

It also would make related and technical changes

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

It also would take effect immediately as an urgency statute

Ch 1277 (SB 1300) Presley The criminal justice system

(1) Existing law provides that various investigators and employees of state agencies are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making arrests as specified. They may carry firearms only as authorized by their employing agencies.

This bill would provide that certain investigators of the Public Employees' Retirement System, the Office of the Controller, the Department of Corporations, and the Contractors' State License Board are peace officers with specified authority, but shall not carry firearms.

(2) Under existing law, the Director of Forestry and employees and classes of employees of the Department of Forestry designated by the director are peace officers

whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest as to a public offense, as specified.

This bill would reclassify the director and employees and classes of employees of the department as peace officers whose authority extends to any place in the state. The bill would also make additional clarifying and conforming nonsubstantive changes.

~~(3) Under existing law, the Department of Forestry is authorized to implement a program in urban forestry to, among other things, encourage better tree management and planting in urban areas and assist cities in seeking innovative solutions to problems such as tree maintenance and vandalism.*~~

~~This bill would authorize the department, whenever feasible to do so, to utilize inmates and wards assigned to conservation camps in implementing the program and would authorize the department to use recipients of Aid to Families with Dependent Children or General Assistance, as specified.*~~

~~(4)~~ [(3)]* Existing law authorizes the use ~~by the department~~* of conservation camp inmates and wards [by the department]* in the rescue of lost or injured persons and the saving of life and protection of property.

This bill would authorize the use of those persons, upon the request of a local agency, for watershed revegetation and related work

~~(5)~~ [(4)]* The bill would require the Department of Parks and Recreation, the Department of Forestry, and the Department of Corrections to jointly develop a plan to expand the Department of Forestry's Conservation Camp Program to provide additional resources for wildland firefighting and maintenance of the state park system, and would require the Department of Transportation, the Department of Forestry, and the Department of Corrections to jointly develop such a plan to provide additional resources for wildland firefighting and highway road maintenance. The bill would require that the plans be transmitted to specified legislative committees on or before July 1, 1983. The bill would declare that those provisions shall be implemented with existing funds and that no additional funds shall be appropriated for those purposes.

~~(6)~~* This bill also makes additional changes [in Section 830.3 of the Penal Code]* proposed by AB 2405, to be operative only if AB 2405 and this bill are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered after AB 2405.

Ch 1278 (SB 341) Russell. Drug paraphernalia.

(1) Existing law makes it unlawful for any person to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking specified controlled substances.

This bill would make it a misdemeanor, punishable as specified, for any person to deliver, furnish, or transfer, or to possess with intent to deliver, furnish, or transfer, or to manufacture with intent to deliver, furnish, or transfer; or to deliver, furnish, or transfer to minors; drug paraphernalia, as defined, under specified conditions. All drug paraphernalia would be subject to seizure and forfeiture in the manner of controlled substances. In addition, any violation of the provisions relating to delivery, furnishing, or transportation of drug paraphernalia by a holder of a business or liquor license issued by a local or state governing entity and in the course of the licensee's business would be declared to be grounds for the revocation of any such license.

This bill would, in addition, declare that it is the intent of the Legislature that the invalidity of any of the specified provisions of law relating to controlled substances shall not effect the validity of other provisions and would further provide those provisions would be severable.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1279 (AB 1916) M. Waters. Controlled substances.

(1) Existing law requires, with certain exceptions, any person manufacturing, selling, transacting, or otherwise furnishing or receiving from a source outside California certain chemical precursors capable of being used in the manufacture of controlled substances, to submit a report relating to these transactions to the Department of Justice and requires the reports to be filed at least 21 days prior to delivery of the substance.

This bill would provide that any person who does not submit such a report shall be punished by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $5,000, or by both such fine and imprisonment. The bill would make a 2nd or subsequent conviction of this provision punishable by imprisonment in the state prison, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding $100,000, or by both such fine and imprisonment.

(2) Existing law makes any person who knowingly makes a false statement in connection with the report guilty of a felony punishable by imprisonment in the state prison or a misdemeanor punishable in the county jail not to exceed one year

This bill would provide instead that any person who violates this provision shall be punished by imprisonment in the state prison, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding $5,000, or by both such fine and imprisonment, and would in addition provide that any person convicted of a second or subsequent offense shall be punished by imprisonment in the state prison for 2, 3, or 4 years, or by a fine not exceeding $100,000, or by both such fine and imprisonment.

(3) Under existing law, it is a felony punishable by imprisonment in the state prison for 3, 4, or 5 years to possess both piperidine and cyclohexanone at the same time, or a combination product thereof, with intent to manufacture phencyclidine (PCP).

This bill would instead, make possession at the same time of piperidine and cyclohexanone, pyrolidine and cyclohexanone, or morpoline and cyclohexanone, or a combination product thereof, with intent to manufacture phencyclidine (PCP) or any of its analogs specified in subdivision (e) of Section 11055 of the Health and Safety Code a felony punishable by imprisonment in the state prison for 3, 4, or 5 years.

(4) Existing law makes it unlawful to open or maintain any place for the purpose of unlawfully selling, giving away, or using certain controlled substances. Existing law also makes such a violation punishable by imprisonment in the county jail for not more than one year or in the state prison.

This bill would, additionally, provide that any person who has under his or her management or control, as specified, any building, room, space, or enclosure who knowingly rents, leases, or makes available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, storing, or distributing any controlled substance for sale or distribution to another person shall be punished by imprisonment in the county jail for not more than one year, or in the state prison and would make a 2nd or subsequent violation of the provision a felony. This bill would also provide that any retailer or wholesaler who sells any chemical, drug, laboratory apparatus, or device with knowledge that those items would be used to unlawfully manufacture, compound, convert, process, or prepare a controlled substance for the unlawful distribution or sale to another person shall be punished by imprisonment in the state prison or in the county jail for not more than one year.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1280 (SB 518) O'Keefe Controlled substances· seizure and forfeiture of vehicles.

(1) Under existing law, the interest of any registered vehicle, other than an implement of husbandry or a vehicle which may be driven upon the highway with a class 3 or class 4 license, used to unlawfully transport for sale any controlled substance for which the owner or some other defendant is arrested and convicted is subject to forfeiture

This bill would make vehicles driven upon the highway with a class 3 or class 4 license which are used to facilitate the possession for sale or sale of specified amounts of specified controlled substances subject to forfeiture. Upon conviction of the defendant, the seized

vehicle would be sold and the proceeds distributed according to a specified procedure.

(2) Under existing law, in effect only until January 1, 1984, any peace officer, upon making an arrest or attempting to make an arrest for a violation of various controlled substances laws insofar as the offense involves sale, transportation for sale, or possession for sale of any controlled substance, may seize any vehicle, boat, or airplane used to unlawfully transport for sale any controlled substance

This bill would additionally permit peace officers to seize a vehicle, boat, or airplane used to unlawfully transport for sale any controlled substance when making an arrest or attempting to make an arrest for offenses relating to the use of a minor in controlled substances offenses insofar as the offense involves sale, transportation for sale or possession for sale of any controlled substance

(3) It also would make further changes in Section 11470, Health and Safety Code, contingent upon the enactment and prior chaptering of SB 845

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1281 (SB 247) Maddy. Criminal profiteering.

Existing state law does not specifically deal with the use of proceeds derived from, or enterprises acquired through, criminal activities.

This bill would establish the California Control of Profits of Organized Crime Act and would provide procedures for the forfeiture of property and proceeds acquired or received from criminal profiteering activity upon conviction of the underlying criminal offense.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1282 (SB 51) Greene Controlled substances. phencyclidine

(1) Under existing provisions of the California Uniform Controlled Substances Act, any material, compound, mixture, or preparation containing any quantity of phencyclidine or specified analogs of phencyclidine having potential for abuse associated with a depressant effect on the central nervous system is a controlled substance classified in Schedule II That act presently makes it a felony punishable by imprisonment in the state prison for 3, 4, or 5 years for (1) any person to unlawfully manufacture, compound, or sell phencyclidine, or offer to manufacture, compound, or sell phencyclidine, or (2) for any person 18 years of age or over to use a minor as agent for such purposes, or to solicit, induce, encourage or intimidate a minor with intent that the minor shall unlawfully manufacture, compound, or sell phencyclidine

This bill would also include in Schedule II any salt or solution of phencyclidine or specified analogs of phencyclidine. The bill would require the juvenile court, with respect to minors 16 years of age or over alleged to have committed such an offense, to determine fitness of the minor for disposition under the juvenile court law, where required, in accordance with a presumption of unfitness, as prescribed

(2) Existing law provides that probation shall not be granted to, nor shall the execution or imposition of a sentence be suspended for, any person convicted of possessing for sale ½ ounce or more of phencyclidine, or of selling, offering to sell, or manufacturing phencyclidine.

This bill would provide that probation shall not be granted, nor the execution or imposition of a sentence suspended, for any person convicted of possessing for sale one-half ounce or more of any salt or solution of any material, compound, mixture, preparation, salt. or solution which contains any quantity of phencyclidine or specified

analogs of phencyclidine, or for any person convicted of transporting for sale, importing for sale, or administering phencyclidine, or offering to transport for sale, import for sale, or administer phencyclidine, or attempting to import for sale or transport for sale phencyclidine, or who is convicted of manufacturing or selling or offering to sell phencyclidine, or of using, soliciting, inducing, encouraging, or intimidating a minor to manufacture, compound, or sell phencyclidine

(3) Existing law prohibits, except in unusual cases where the interests of justice would best be served if the person is granted probation, the granting of probation to any person who knowingly manufactures phencyclidine but provides that if the court grants probation, it must specify the reasons for granting the probation. Existing law also provides that on an appeal by the state from such a grant of probation, it shall be conclusively presumed that the order was made only for the reasons specified and that the order shall be reversed if there is no substantial basis in the record for any of the reasons

This bill would delete those provisions relating to the granting of probation to any person who knowingly manufactures phencyclidine and, instead, would prohibit, except in unusual cases where the interests of justice would be served if the person is granted probation, the granting of probation to any person who knowingly furnishes or gives away phencyclidine

(4) This bill would incorporate additional changes in Section 707 of the Welfare and Institutions Code, proposed by Assembly Bill 2684, to be operative only if AB 2684 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1283 (SB 902) O'Keefe Controlled substances

Existing law provides that probation shall not be granted to, nor shall the execution or imposition of a sentence be suspended for, any person convicted of possessing for sale, selling, or offering to sell one-half ounce of heroin or any person convicted of possessing for sale, selling, or offering to sell or manufacturing phencyclidine

This bill would additionally provide that, except as specified, probation shall not be granted to, nor shall the execution or imposition of a sentence be suspended for, any person convicted of (1) possessing for sale one ounce or more of a substance containing cocaine, or (2) any person convicted of possessing for sale one ounce or more of a substance containing methamphetamine

Ch. 1284 (AB 3376) Elder. Controlled substances prescriptions

Existing law provides that it is unlawful to issue or fill an order purporting to be a prescription issued to an addict or habitual user of controlled substances, which is not in the course of professional treatment nor as part of an authorized methadone maintenance program, for the purpose of providing the user with controlled substances, sufficient to keep the user comfortable by maintaining his or her customary use

This bill would provide, in addition, that it is unlawful to knowingly issue or fill an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research The bill would also provide that a prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice A violation of any of these provisions would be a felony or a misdemeanor, punishable by imprisonment, as specified, or by a fine not exceeding $20,000, or both a fine and imprisonment The bill would declare that none of these changes made by the bill shall be construed as expanding the scope of practice of a pharmacist

This bill would also include within the scope of unprofessional conduct of a pharmacist, for which the pharmacist may be disciplined, as specified, the clearly excessive furnishing of controlled substances in violation of a specified provision of the law

The bill would state legislative intent, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute.

Ch 1285 (SB 1409) Garamendi Drugs

(1) Existing law establishes the School-Community Primary Prevention Program, and makes provisions for the funding and operation of the program.

This bill would make various changes in the funding and operation of this program. The bill would, among other things, create an external review selection committee, comprised of at least 3 appointees of the State Department of Education and at least 3 appointees of the State Department of Alcohol and Drug Programs to review applications and make recommendations for grant awards. Approval by both state departments would be required for funding under this bill. The bill permits funds to be awarded up to a maximum of 3 years

(2) This bill would take effect immediately as an urgency statute

Ch. 1286 (SB 1286) Davis. Controlled substances.

Under existing law, the California Uniform Controlled Substances Act classifies substances which have a potential for abuse under Schedules I, II, III, and IV of the act The act also specifies various criminal offenses involving controlled substances

This bill would generally provide, in addition, that any person who possesses for sale or sells any of the following substances shall be punished by imprisonment in the county jail for a period of not more than one year or state prison chlordiazepoxide, clonazepam, clorazepate, diazepam, flurazepam, lorazepam, mebutamate, oxazepam, prazepam, temazepam, halazepam, alprazolam, propoxyphene, pentazocine diethylpropion, phentermine, pemoline, or fenfluramine.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1287 (SB 1351) Presley Possession of marijuana in school.

Existing law provides that possession of marijuana is a misdemeanor Possession of not more than 1 avoirdupois ounce of marijuana is punishable by a fine not over $100, while possession of more than 1 avoirdupois ounce of marijuana is punishable by imprisonment in the county jail for up to 6 months, a fine of up to $500, or both.

This bill, operative September 1, 1983, would provide that possession of marijuana upon the grounds of, or within, designated schools during hours in which the school is open, as specified, is a misdemeanor punishable by a fine not to exceed $500, by imprisonment in the county jail for not over 10 days, or both, with respect to adults, or with respect to minors guilty of a second and each subsequent offense, and punishable by a fine not to exceed $250 with respect to minors guilty of a first offense. The bill would also require the Superintendent of Public Instruction to request school districts to notify their students of the new law, and make related changes

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1288 (AB 2342) Katz Imitation controlled substances

The California Uniform Controlled Substances Act classifies and regulates the use of specified substances which have a potential for abuse and which may only be lawfully obtained from a practitioner, as defined, or from a furnisher upon the lawful order of a practitioner

This bill would enact the Imitation Controlled Substances Act to make unlawful the knowing manufacture, distribution, and possession with intent to distribute of an "imitation controlled substance" which would be defined as (a) a product specifically designed or manufactured to resemble the physical appearance of a controlled substance, such that a reasonable person of ordinary knowledge would not be able to distinguish the imitation from the controlled substance by outward appearances, or (b) a product, not a controlled substance, which, by representations made and by dosage unit appearance, including color, shape, size, or markings, would lead a reasonable person to believe that, if ingested, the product would have a stimulant or depressant effect similar to or the same as that of one or more specified controlled substances This bill would also make findings and declarations with respect to the manufacture and distribution of, and the use and abuse of, imitation controlled substances

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would take effect immediately as an urgency statute

Ch. 1289 (SB 845) Maddy. Controlled substances

(1) Existing law relating to the regulation of controlled substances provides that various items utilized in the unlawful sale of controlled substances are subject to forfeiture

This bill would add to the items subject to forfeiture all moneys, negotiable instruments, securities, or other things of value furnished by any person in exchange for a controlled substance in violation of the law, as specified, all proceeds traceable to such exchange, and all moneys, negotiable instruments, securities, or other things of value used to facilitate a violation of law, as specified, except those moneys, negotiable instruments, securities, or other things of value upon which the Franchise Tax Board has served a notice to withhold pursuant to specified provisions of law However, if the Franchise Tax Board returns or refunds those moneys, negotiable instruments or other things of value to the taxpayer as a result of a redetermination or abatement of the tax due subsequent to the serving of a notice to withhold, such things of value shall be subject to this bill's forfeiture provisions

(2) Existing law provides a procedure for the seizure and forfeiture to the state of vehicles, boats, or airplanes used to unlawfully transport for sale any controlled substance, upon the arrest and conviction of an individual for an offense involving sale, transportation for sale, or possession for sale of controlled substances, as specified

This bill would provide a procedure for the seizure and forfeiture by local or state law enforcement agencies of all moneys, negotiable instruments, securities, or other things of value furnished in exchange for a controlled substance in violation of law, as specified, all proceeds traceable to such exchange, and all moneys, negotiable instruments, securities, or other things of value used to facilitate a violation of law, as specified, upon the arrest and conviction of an individual for an offense involving sale or possession for sale of controlled substances, as specified The money forfeited or the proceeds of the sale of any property forfeited would be distributed to state or local agencies initiating or maintaining the forfeiture proceedings, as specified

This bill would also create a new fund in the General Fund entitled the Narcotics Assistance and Relinquishment by Criminal Offender Fund which would receive any money remaining after distribution. The fund would be administered by a 10-member advisory committee appointed by the Attorney General, and the money in the fund would be available, upon appropriation by the Legislature, for distribution by the advisory committee to local and state law enforcement agencies in support of general narcotic law enforcement efforts.

(3) This bill would incorporate additional changes in Section 11470 of the Health and

Safety Code, proposed by SB 518, to be operative only if SB 518 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1290 (AB 1007) Johnston. Burglary

Existing law provides that every burglary of an inhabited dwelling house or trailer coach, as defined, or the inhabited portion of any other building committed in the nighttime, is burglary of the first degree and all other kinds of burglary are of the second degree.

This bill would provide that every burglary committed in the nighttime of an inhabited dwelling house, an inhabited recreational vehicle, as defined, or an inhabited trailer coach, as defined, or the inhabited portion of any other building, is burglary of the first degree.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1291 (AB 2976) Levine. Crime resistance.

Under existing law, the Office of Criminal Justice Planning has various powers and duties relative generally to the improvement of criminal justice and to delinquency prevention including the allocation of federal and state funds for approved programs There is, until January 1, 1983, a California Crime Resistance Task Force in the Office of Criminal Justice Planning.

This bill would continue the California Crime Resistance Task Force in the Office of Criminal Justice Planning.

The bill would additionally impose certain conditions relative to the allocation of funds

The bill would also reappropriate $691,000 from the Budget Act of 1982 to the Office of Criminal Justice Planning for allocation, as specified

This bill would remain in effect only until January 1, 1986, and as of that date would be repealed

Ch. 1292 (AB 3007) Hart. Career criminal apprehension.

Existing law contains provisions relative to increased efforts in the apprehension and prosecution of persons who meet certain criteria as career criminals The provisions relative to apprehension would be repealed January 1, 1983.

This bill would reenact and revise provisions relative to increased efforts to apprehend persons defined for such purposes as career criminals

This bill would remain in effect only until January 1, 1986, and as of that date would be repealed

This bill would reappropriate $1,250,000 for the purposes of this act, as specified

Ch. 1293 (SB 251) Presley. Crimes.

Under existing law, robbery is punishable by 2, 3, or 5 years in a state prison generally, or 3, 4 or 6 years for robbery of the operator of certain vehicles.

This bill would impose a 3, 4 or 6 year term for robbery perpetrated in an inhabited dwelling house or trailer coach.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

The bill would take effect immediately as an urgency statute

Ch. 1294 (SB 1284) Beverly Burglary.

Under existing law, probation is denied in first degree burglary cases, except in unusual cases where the interests of justice would best be served by granting probation.

Under existing law, a minimum 90-day county jail term is imposed for misdemeanor second degree burglary of specified inhabited places, and denial of probation is required for felony second degree burglary except in unusual cases where the interests of justice would best be served by the granting of probation provisions.

Under existing law, the above would only remain in effect until January 1, 1983, unless repealed or a later statute is enacted which deletes or extends that date. Also, the Legislative Analyst is required to make a report to the Legislature by July 1, 1982.

This bill would extend the latter provisions, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

The bill would take effect immediately as an urgency statute.

Ch. 1295 (AB 2988) Wright Juvenile court law.

Under existing law, juvenile court hearings concerning petitions filed alleging the commission of specified offenses, with certain exceptions, are open to the public

This bill would provide that hearings on petitions alleging the commission of residential burglary also are open to the public, if the minor previously has been adjudged a ward of the court, as specified

Ch. 1296 (AB 501) Wright Felonies

Existing law limits provide that the aggregate term of imprisonment that may be imposed when a person is convicted of 2 or more felonies shall be the sum of the principal term, the subordinate term, and any additional term imposed pursuant to specified provisions of law If the offenses are not "violent felonies" the total of subordinate terms for consecutive offenses may not exceed 5 years. If the offenses are not "violent felonies," no consecutive sentence or enhancement is imposed, and if the defendant is not convicted of felony escape from a penal institution, the total term of imprisonment may not exceed twice the base term.

This bill would increase the 5-year limitation on subordinate terms to 10 years in the case where the consecutive offenses are for residential burglary, and would eliminate the limitation of twice the base term on total terms of imprisonment to which it applies if the defendant is convicted of at least 2 residential burglaries.

Ch 1297 (SB 200) Rains Burglary.

Existing law defines burglary of the first degree as a burglary of an inhabited dwelling house or trailer coach, or the inhabited portion of any other building committed in the nighttime

This bill would eliminate the requirement that these burglaries be committed in the nighttime to constitute first degree burglary.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1298 (SB 968) Sieroty. Schools. categorical aid programs.

(1) Existing law prescribes a school-based program coordination pursuant to which a school district or a school is authorized to apply to receive funds under specified categorical aid programs without complying with the provisions of the substantive law relating to those programs. The school-based program requires the State Board of Education, upon request of a district, to approve or renew the waiver of all or part of any section of the Education Code, except as provided Existing law also requires the establishment of a school site council at each school which participates in a school-based program coordination and authorizes existing schoolwide advisory groups or school support groups to be the school site council, as specified. The school site council is required to develop a prescribed school plan regarding the operation and evaluation of the program.

This bill would revise the waiver provisions of the school-based program coordination by, among other things, requiring the district to hold a public hearing prior to the request for waiver, by specifying that a waiver be approved or renewed prior to its implementation, and by prohibiting the waiver of the provisions establishing the State Teachers' Retirement System and certain bilingual education program requirements. The bill would make technical, nonsubstantive changes in the waiver provisions and would specify that those changes are declaratory of existing law.

This bill would also revise the provisions requiring the prescribed school plan and would prohibit the use of funds coordinated under the school plan to pay for the local share of costs associated with the employment of reading specialists, as specified.

This bill would delete the authority of a district advisory committee to designate a district programs advisory committee to perform the functions of the district advisory committee.

This bill would authorize a school district to request the State Board of Education to waive any provision of existing law prescribing school plans, as specified.

(2) Under existing law, there are no express provisions which authorize school districts to establish college preparatory programs in the specific fields of math- and science-related fields which are targeted toward pupils from economically disadvantaged and culturally diverse backgrounds.

This bill would establish the University and College Opportunities Program, which would be directed toward improving the preparation of elementary and secondary school pupils for successful matriculation through courses of study at 2-year and 4-year institutions of postsecondary education. This bill would state the intention of the Legislature that funding for these programs be derived from existing funds apportioned to the participating school districts so as to result in no additional costs to the state, and would encourage districts to coordinate and utilize new and existing resources and service networks and to solicit the participation of specified institutions and organizations.

This bill would authorize any school district to establish a University and College Opportunities Program in accordance with specified minimum criteria This bill would specify that participation on the part of any school district is voluntary and would authorize school districts to enter into contractual agreements with neighboring community colleges, public and private universities and colleges, and other private and public sector entities for the utilization of facilities and services necessary to operate a University and College Opportunities Program This bill would require the preparation of rules and regulations necessary to implement the provisions of this bill by the Superintendent of Public Instruction and would require the adoption of these rules and regulations by the State Board of Education by March 1, 1983.

Ch. 1299 (AB 2356) Mountjoy. Private postsecondary education: flight education and instruction.

(1) Under existing law, the Private Postsecondary Education Act of 1977 prescribes various requirements for the operation of private postsecondary educational institutions Certain education and educational institutions are exempted from the provisions of the act.

This bill would, except as specified, exempt institutions or persons approved by the Federal Aviation Administration, or its successor agency, offering flight education and instruction from the provisions of the act.

(2) Existing law prohibits postsecondary educational institutions from offering courses of education leading to educational, professional, technological, or vocational objectives unless the institution has been approved or authorized by the Superintendent

of Public Instruction as meeting at least one of the specified requirements.

This bill would include any person or school certified for flight instruction by the Federal Aviation Administration, or its successor agency, as an institution which is authorized to operate as a school. This bill would specify that an authorization to operate may only be denied to a person or school providing flight instruction if the person or school does not possess a valid certification by the Federal Aviation Administration, or its successor agency

(3) Existing law specifies that all institutions authorized or approved under the provisions of existing law shall be maintained and operated in compliance with specified minimum standards.

This bill would require institutions certified to offer flight instruction by the Federal Aviation Administration, or its successor agency, to comply with all of the requirements of existing law This bill would specify that the responsibility for monitoring and enforcing institutional compliance shall be with the Superintendent of Public Instruction.

Ch. 1300 (AB 253) Alatorre. Peace officers.

Under existing law, it is a misdemeanor for specified public officers, including peace officers, to accept compensation for any official act except as authorized by law.

Case law has interpreted this provision to mean that a peace officer, while receiving compensation as a private security guard, may not exercise the powers of, and does not have the status of, a peace officer. Thus, a battery on such an off-duty peace officer employed as a private guard, is not punished as a battery on a peace officer. Similarly, an arrest by such a person must conform to the standards required of an arrest by a private person.

This bill would specify that the proscription against being compensated for official acts does not preclude a peace officer from engaging in specified casual or part-time employment as a private security guard or patrolman and exercising the powers of a peace officer while so employed and wearing a police uniform subject to reasonable rules and regulations of the agency of which he or she is a peace officer and in conformity with the provisions of the Private Investigator Act concerning peace officers and retired peace officers.

The bill would specify that a battery against a peace officer while off duty is punishable the same as a battery against an on-duty peace officer, as specified

The bill states an intent to abrogate specified judicial decisions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill also makes additional changes proposed by AB 3276, to be operative only if AB 3276 and this bill are both chaptered and become effective on January 1, 1983, and this bill is chaptered after AB 3276.

Ch. 1301 (AB 2711) Kelley. Avocados. inspection and certification.

(1) Existing law authorizes the California Avocado Committee and the Avocado Inspection Committee to bring an action to enjoin a violation or threatened violation of laws relating to avocado container certification and fees.

This bill would specify that these agencies are not required to allege lack of an adequate legal remedy or irreparable damages when bringing the action.

(2) Existing law requires each handler of avocados to report to the Director of Food and Agriculture monthly on the number of pounds of avocados which have been certified as complying with state maturity and quality provisions The reports are required to contain specified information relating to daily transactions of avocados.

This bill would, instead of limiting the content of the report to that specified information, require the report to contain all information required by the director. The bill would also modify the daily transaction information which is required to be maintained by each handler.

(3) Existing law authorizes the director to establish hourly and mileage rates for

inspecting and certifying avocados belonging to any person located outside of the regular routes traveled in order to provide inspection and certification at commercial packing facilities in lieu of the certification available on regular routes.

This bill would instead authorize the director to establish hourly and mileage rates for inspection and certification of avocados whenever the existing certification fees do not cover the cost of inspection, thereby making an appropriation by providing for an increase in revenue deposited in the Department of Food and Agriculture Fund, a continuously appropriated fund The bill would provide that a handler could, alternatively, present his or her avocados for inspection and certification on a date, time, and location specified by the director and thus pay the regular route certification fees. The bill would also authorize the director to prescribe a higher frequency of inspection or surveillance of a person or firm handling or packing avocados if he or she determines either that repeated violations of laws relating to avocado certification have occurred, or has probable cause to believe that a violation is about to occur or has occurred

(4) Existing law authorizes the director to promulgate regulations establishing maturity and quality standards for avocados

This bill would authorize the director to promulgate regulations which establish maturity standards governing the time at which avocados may be harvested, including minimum maturity requirements for various varieties. These maturity requirements could be modified by the director, as specified, and the actions leading to the modifications would not be subject to the requirements of the laws relating to the Office of Administrative Law

(5) The bill would take effect immediately as an urgency statute.

Ch. 1302 (AB 26) Johnson. McColl Hazardous Waste Disposal Site.

(1) Existing law provides for closure of hazardous waste disposal sites and for assessments for closure and maintenance of disposal sites, as specified.

This bill would reappropriate $1,500,000 from the unencumbered balance of the appropriation made by the Budget Act of 1982 for support of the State Department of Health Services, which is payable from the Hazardous Substance Account in the General Fund, to the State Department of Health Services to clean up the McColl Hazardous Waste Disposal Site in Orange County The bill would prohibit the use of the appropriation for studies relating to the cleanup, and would require that the entire amount be used for cleanup or other remedial action appropriate to that site, in accordance with those provisions of the Carpenter-Presley-Tanner Hazardous Substance Account Act concerning uses of the state account.

The bill would also require the department to submit a progress report to the Legislature on the progress of the cleanup, as specified, on September 15, 1982, and annually thereafter

The bill would take effect immediately as an urgency statute

(2) Existing law imposes upon the State Water Resources Control Board the sole responsibility for conducting the permanent closure and maintenance of the Stringfellow Quarry Class I Hazardous Waste Disposal Site and exempts the activities of the board, and of any other state agency, incidental to site closure and maintenance, from certain requirements of the California Environmental Quality Act and the State Contract Act and from provisions relating to procurement of architectural and engineering services

This bill would instead impose upon the State Department of Health Services the responsibility for this site closure and would exempt the activities of the State Water Resources Control Board, the State Department of Health Services, and any other state agency, from the above-mentioned acts and provisions, in any emergency, for the purpose of taking immediate corrective action necessary to remedy or prevent an imminent substantial danger to the public health or environment caused by the release or threatened release of a hazardous substance

This provision would be operative on January 1, 1983.

Ch. 1303 (SB 1299) Mello. State park system fees.

In 1981 a law providing for elderly persons to be allowed free use of the day-use facilities in units of the state park system was repealed

This bill would provide that any person over 65 years of age having a specified low

income or any person receiving aid to the aged, blind, or disabled, or receiving aid to families with dependent children, upon application and payment of $5.00 to the Department of Parks and Recreation, be issued a "Golden Bear Pass" on an annual basis which would entitle the bearer and spouse to free use on any day of the day-use facilities in units of the state park system, except Hearst San Simeon State Historical Monument, Sutter's Fort State Historic Park, and the California State Railroad Museum, under limitations as may be determined by departmental regulation regarding peak hours and contractual arrangements with vendors.

The bill would also prohibit the department from granting half-price privileges or granting any discount for the use of state park system facilities on the basis of the pass or any other criterion.

Ch 1304 (AB 2346) Moorhead. Physicians' assistants.

Existing law does not authorize physicians' assistants to form professional corporations and to render professional services in the name of a corporation.

This bill would authorize the formation of physicians' assistants professional corporations and the provisions of professional services in the name of the corporations.

Existing law allows physicians and surgeons, podiatrists, psychologists, registered nurses, and optometrists to be shareholders in a medical corporation, podiatry corporation, psychology corporation or a nursing corporation.

This bill would allow physicians' assistants to be shareholders in a medical corporation and physicians and surgeons to be shareholders in a physicians' assistants corporation. The bill also would allow registered nurses to be shareholders in a physicians' assistants corporation and physicians' assistants to be shareholders in a nursing corporation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1305 (SB 1883) Keene Bel Marin Keys Community Services

(1) Under existing law, a community services district may sue and be sued in its own name, but that district may not generally enforce covenants, conditions, and restrictions adopted for each tract within the boundaries of the district or assume and perform the duties of the architectural control committee for each dock within the boundaries of the district

This bill would authorize the Bel Marin Keys Community Services District to enforce these covenants, conditions, and restrictions and to perform the architectural control duties.

It would provide that at the next general district election the question of whether the board may continue to exercise such power may be submitted to the voters of the district and, if the proposition is not approved by a majority of the voters of the district voting on the proposition, would provide that the authority granted to the district board by the bill shall have no further force or effect.

The bill would also declare the necessity for a special act for the Bel Marin Keys Community Services District.

(2) This bill would become effective immediately as an urgency statute.

Ch. 1306 (AB 3727) W. Brown. Health· medical corporations: clinics

(1) Existing law provides that no person, other than a licensed person, may be a shareholder in a medical corporation

This bill would authorize a medical corporation which has not more than one shareholder who is a licensed person to be a shareholder of another medical corporation, as specified

(2) Existing law requires primary care clinics and specialty clinics, as specified, to be licensed in order to lawfully operate One of the types of clinics eligible for licensure as a specialty clinic is a surgical clinic, which is defined as a clinic which is not part of a hospital and which provides ambulatory care for patients who remain less than 24 hours

A surgical clinic does not include the offices of private physicians or dentists in individual or group practice.

This bill would provide, instead, that a surgical clinic does not include any place or establishment owned or leased and operated as a clinic or office by one or more physicians or dentists in individual or group practice, regardless of the name used publicly to identify the place or establishment, provided, however, that physicians or dentists, may, at their option, apply for licensure

(3) Existing law also exempts from licensure any place or establishment owned or leased and operated as a clinic or office by one or more licensed health care practitioners and used as an office for the practice of their profession, within the scope of their license, except as specified

This bill would provide that surgical clinics are not exempt from licensure under these provisions

The bill would provide that the act shall take effect immediately as an urgency statute.

Ch. 1307 (SB 1510) Keene Loans.

Existing law imposes requirements on the issuance of a security document or evidence of debt that contains a provision for a variable rate of interest if the security document or evidence of debt is for the purpose of financing the purchase or construction of real property containing 4 residential units or less. Under existing law, these provisions and requirements do not apply to unamortized construction loans with an original term of 2 years or less if the borrower does not intend to occupy one of the units as his or her residence.

This bill would instead exempt from the provisions and requirements for variable interest rate loans, unamortized construction loans with an original term of 2 years or less and loans for the purchase or construction of improvements to existing residential dwellings.

The bill would also exempt loans made to an employee of the lender where the sole provision for an increase in the interest rate results only by reason of the termination of the borrower's employment or the sale, deed, or transfer of the property securing the loan to a nonemployee of the lender.

Ch. 1308 (SB 1355) Stiern Schools

Existing law requires persons convicted of certain sex crimes to register with local authorities Existing law also contains various restrictions relative to the entry of persons on school grounds under specified conditions.

This bill would prohibit entry onto specified school grounds or into buildings by certain registered sex offenders, except as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1309 (SB 1678) Garamendi In-home care disabled persons

Existing law provides that regional centers, which receive funding from the State Department of Developmental Services for provision of services to developmentally disabled persons, shall not provide regional center employees with a cost-of-living adjustment for salaries, wages, or benefits which exceeds the percentage amount granted to state employees for the same fiscal year.

This bill would repeal that provision

Existing law provides for the In-Home Supportive Services (IHSS) program, under which specified types of services are provided to aged, blind, and disabled persons in order to allow these persons to remain in their own homes.

Existing law further provides that reassessment of the need for services of specified recipients under the IHSS program shall be made at least every 6 months.

The bill would allow use of time for task guidelines under the IHSS program only where the guideline would be appropriate in meeting an individual's particular circum-

stances

Existing law provides that one of the benefits provided under the Medi-Cal program is nursing home care.

This bill would provide that a Medi-Cal program consultant shall, in performing initial onsite reviews of specified nursing home patients, seek information from these persons concerning the relationship, if any, between the need for nursing home placement and the person's IHSS status

The bill would provide that the State Department of Health Services shall report its finding concerning these inquiries to the Legislature by June 1, 1983, and that the provisions concerning these inquiries shall remain effective only until January 1, 1984, and as of that date would be repealed, unless a later enacted statute chaptered prior to that date were to extend or delete that date

Existing law provides for the Medi-Cal program, under which federal and state funds are used to reimburse health care providers for services to low-income and indigent recipients

Under existing federal law, a state, as part of its plan for the Medicaid program, Medi-Cal being California's version of that program, can apply for waivers enabling in-home and community-based care to be provided to persons who would otherwise face placement in a skilled nursing or intermediate care facility.

This bill would provide that the State Department of Health Services shall seek all necessary waivers from the federal government enabling these services to be provided under the Medi-Cal program to the extent permitted by federal law, following review and approval from the Health and Welfare Agency

The bill would further provide that emergency regulations adopted within 120 days of the effective date of this act shall be deemed to be necessary for the immediate preservation of the public peace, health, and safety, or general welfare.

This bill would take effect immediately as an urgency statute

Ch. 1310 (AB 3737) Chacon. Schools. proficiency standards and assessments.

(1) Existing law prohibits a pupil who was enrolled in the 9th grade during the 1977–78 school year, or subsequent thereto, from receiving a high school diploma unless the pupil satisfies the proficiency standards prescribed by the governing board of the school district Existing law requires the governing board of every district maintaining a junior or senior high school, and the governing board of every district maintaining an elementary school, to take appropriate steps to ensure that individual pupil progress towards proficiency in basic skills is assessed in the English language during the regular instructional program at least once during the 4th through 6th grade experience, once during the 7th through 9th grade experience, and twice during the 10th through 11th grade experience.

This bill would require the governing boards of these districts to take appropriate steps to ensure that the progress towards proficiency in basic skills is assessed in the English language in the manner prescribed under existing law.

This bill would specify that if a pupil who is limited English proficient, as specified, does not possess sufficient English language skills to be assessed for basic skills proficiency in the English language, the district may defer the assessment, for a period of up to 24 months of enrollment in the California public school system and until the pupil has met the reclassification criteria established under specified provisions and has completed 6 months of instruction in reading, writing, and comprehension in the English language subsequent to his or her reclassification. This bill would require that the prescribed 6 months of instruction in reading, writing, and comprehension in the English language be provided within maximum 24-month assessment deferment period which would be required under the provisions of this bill This bill would require that a limited-English-proficient pupil be assessed for basic skills in the English language upon his or her request or upon the request of his or her parent or guardian

This bill would require that each pupil enrolled in grades 4, 5, and 6 shall be tested at least once in grades 4 to 8, inclusive, within 24 months of his or her enrollment in the school

Existing law requires that proficiency assessments be used to determine whether pupils need additional assistance in basic skills and to determine the appropriate content and mode of any assistance

This bill would require that no English-speaking pupil or limited-English-proficient pupil receive a high school diploma unless he or she has passed the English language proficiency assessment normally required.

Existing law requires instruction in basic skills for any pupil who does not demonstrate sufficient progress toward mastery of basic skills, as specified

This bill would require that pupils who a district determines do not possess sufficient English language skills to be assessed for basic skills proficiency in the English language be deemed not to demonstrate sufficient progress towards mastery of basic skills.

This bill would specify that the appropriate contents and mode of the remediation assistance for pupils of limited English proficiency who are not assessed in the English language for their proficiency in basic skills pursuant to certain provisions shall be based upon, but need not be limited to, the diagnostic assessment procedures prescribed by existing law

(2) Under existing law, the State Department of Education is required to develop by March 1, 1981, initial guidelines, criteria, and procedures for experimental bilingual programs, as defined, which must meet prescribed criteria Current law prescribes that proposals for planned variation programs shall include, but need not be limited to, specified criteria

This bill would specify that one, rather than the only, primary focus of planned variation programs shall be on appropriate instruction for pupils of limited English proficiency whose English skills are superior to their skills in their primary language This bill would specify that a focus may also be placed upon situations in which the number of pupils who, in accordance with Section 52165, would be required to receive instruction pursuant to subdivision (a) or (b) of Section 52163, is substantially smaller than the census included for the previous year, in which case all pupils of limited English proficiency shall receive instruction through individual learning programs during the prepration of the district's proposal and its consideration by the board

This bill would authorize the State Board of Education to approve planned variation programs in up to 300 classrooms in 1982–83 and up to 700 classrooms in 1983–84 and each school year thereafter in districts which are representative of the state both geographically and by size. Not more than 30, rather than 15, of these classrooms, which may or may not be in another school, would be required to be approved in any one district.

This bill would specify that if formal action upon a proposal for a planned variation program is not taken by the board on or before the second regular meeting of the board following the receipt of a complete and documented proposal, the proposal shall be deemed approved for the remainder of the school year

This bill would require that proposals for planned variation programs be approved by the board in accordance with specified standards and would authorize proposals to be approved annually for a second, third, or fourth year based upon a demonstration of compliance with the planned variation program requirements

(3) Existing law authorizes the Los Angeles Unified School District to operate an experimental or innovative program approved by the Superintendent of Public Instruction in one or more year-round schools of the district. Existing law requires the district to maintain those schools for a specified number of hours during the school year, but permits the district to maintain those schools for less than 175 days, so long as the number of instructional days is not less than 163 days.

Existing law specifies that the program shall terminate on June 30, 1983.

This bill would extend the termination date of the program to June 30,1986

(4) This bill would incorporate changes in Section 52163 of the Education Code, proposed by AB 3298, to be effective on January 1, 1983, but only if this bill and AB 3298 are both chaptered and become effective, and this bill is chaptered last

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1311 (AB 2926) Thurman Flood control: Merced County.

(1) Under existing law, there is no special flood control act for Merced County.

This bill would enact the Merced County Flood Control District Act which would create the Merced County Flood Control District to provide for the management and control of flood, storm, and drainage waters in the local areas of Merced County. The bill would specify the powers and duties of the district and provide for the management and financing of the district.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1312 (AB 3334) Herger. Shared savings program.

Existing law authorizes the Department of Personnel Administration to make awards to state employees who, among other things, by their superior accomplishment, make exceptional contributions to state efficiency, economy, or other improvements in state government. An award is limited to $1,000 unless a larger award is approved by concurrent resolution of the Legislature.

This bill would authorize awards to current or retired state employees, and would increase the limit of an award to $3,000 unless a larger award is approved by concurrent resolution of the Legislature

This bill would authorize up to 5 state agencies responsible for the administration of one or more programs, as defined, to contract with the Department of Finance to improve the methods by which services are provided and to increase the productivity of state employees. State employee productivity, by organizational unit, would be measured and considered for award of a portion of the budgetary savings derived from productivity increases.

This bill would specify the procedures pursuant to which a contract would be entered into by the head of a state agency, and approved by the Department of Finance; would specify the manner of determining if budget savings are attributable to increased productivity; would specify the procedure for awarding a percentage of the budgetary savings, and, would specify the percentage distribution of those savings.

This bill would require, as part of the distribution, that a percentage of the savings be placed in a special account to defray an increase in state taxpayers' personal exemption credit, at the direction of, and in such amounts as are determined by, the legislature.

This bill would limit any award of budgetary savings to $3,000 per employee in an organizational unit unless a larger award is approved by concurrent resolution of the Legislature.

The provisions of this bill authorizing award of budgetary savings would remain in effect only until January 1, 1985

Ch 1313 (SB 1834) Mills San Diego Metropolitan Transit Development Board· purchases. bidding

(1) Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board is required to award contracts for the purchase of supplies, equipment, and materials in excess of $5,000 to the lowest responsible bidder after competitive bidding, except in an emergency, as specified, or if it determines by a ⅔ vote of its members that the purchase may be made at a lower price in the open market The act also requires the board to award contracts for construction in excess of $10,000 to the lowest responsible bidder after competitive bidding, except in an emergency, as specified

This bill would raise those competitive bidding requirements to $10,000 and $20,000, respectively, and expressly require the lowest responsible bidder to submit a responsive bid The bill would also require the board, when it makes a contract to purchase supplies or contract for construction expected to exceed $1,000 but less than the competitive bidding requirement, to seek at least 3 written or oral quotations which permit prices and other terms to be compared

For purchases of supplies, equipment, and material, the bill would permit the board, if it determines by majority vote that it has not received a responsive bid, to make the

purchase in the open market. The bill would also except from competitive bidding specified expenditures by the general manager for immediate remedial measures, procurements directed by ⅔ vote of the board of prototype equipment and modifications, and, where there is only a single source of procurement, purchases of duplicate or replacement supplies, equipment, and material which is in use.

(2) Under the act, the board consists of 8 members, including one member appointed by the Governor who is required to be a resident of the area under the jurisdiction of the board

This bill would require this member to be, instead, a resident of San Diego County

The bill would also incorporate changes to Section 120050 of the Public Utilities Code, as proposed by Senate Bill 1432, which was chaptered as Chapter 265 of the Statutes of 1982.

(3) Under the Mills-Alquist-Deddeh Act, "operating cost" is defined to exclude, among other things, subsidies for commuter rail services operated under the jurisdiction of the Interstate Commerce Commission.

This bill would revise the definition of "operating cost" to also exclude all vehicle lease costs.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1314 (AB 3749) L. Stirling. State Teachers' Retirement System. disability retirement.

The existing State Teachers' Retirement Law requires members to file specified information with the Teachers' Retirement Board.

This bill would require each person becoming a member on or after January 1, 1983, to also include specified information in a required health resume

A provision of existing law authorizes a member to apply for a disability allowance if the member has 5 or more years of credited service and specified requirements are met.

This bill would add the requirement that the application is not because of a physical or mental condition known at the time the most recent membership commenced and which remains substantially unchanged at the time of application.

A provision of existing law requires the board to pay only the costs of an approved rehabilitation program with funds made available therefor in the Budget Act.

This bill would repeal that provision and require, instead, any cost for the approved rehabilitation program prescribed by the board to be paid directly by the system.

Existing provisions of law: (a) limit the average earnings of a disabilitant in a continuous 6-month period to ⅔ of his or her final compensation, as specified; (b) require termination of a disability allowance on the first day of the month in which the system is notified of the limit being exceeded.

This bill would: (1) change the compensation standard in (a) above, from final compensation to indexed final compensation, as defined; (2) change the description of the month in item (b) above, to the month following the 6-month period and require allowances paid thereafter to be considered overpaid and require recovery to be made; (3) require allowances, exclusive of amounts paid for minor children and full-time students, for any month in which the earnings of certain other disabilitants exceed 100% of indexed final compensation to be considered overpaid and require recovery to be made; and (4) require, as to certain disabilitants enrolled in approved rehabilitation programs, whose disability allowance, with such exclusions, and earnings exceed 100% of indexed final compensation, that 50% of the amount in excess be considered overpaid and require recovery to be made.

This bill would also require the disability allowance of a disabilitant between 45 and 60 years of age to be calculated upon service with each year of credited California service providing 5% of final compensation, as specified.

A provision of existing law requires an annual report by the system to the Governor and the Legislature.

This bill would require that the report include a brief summary of the costs or savings resulting from the enactment of this bill.

Existing law authorizes the governing board of a school district to grant a leave of absence to a certificated employee who has applied to the State Teachers' Retirement System for a disability allowance, as specified.

This bill would require the granting of such leave and would specify that the prescribed maximum of 39 months shall run from the date of the approval of the disability allowance

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

Ch. 1315 (AB 2701) Young. Marriage, family and child counseling corporations.

Existing law specifies those licensed persons who may, under certain conditions, be shareholders, officers, directors or professional employees of certain designated professional corporations.

This bill would add marriage, family and child counseling corporations and licensed clinical social worker corporations to the list of designated professional corporations and permit licensed physicians and surgeons, licensed psychologists, licensed clinical social workers and registered nurses to be shareholders, officers, directors or professional employees of a marriage, family and child counseling corporation and permit licensed physicians and surgeons, licensed psychologists, licensed marriage, family and child counselors, and registered nurses to be shareholders, officers, directors or professional employees of a licensed clinical social worker corporation. It would also authorize licensed marriage, family or child counselors and licensed clinical social worker corporations to be shareholders, officers, directors or professional employees of medical corporations, nursing corporations, and psychological corporations.

Ch. 1316 (AB 636) Rosenthal General welfare: clinics: fees: community development commissions.

(1) Existing law requires the State Department of Health Services to conduct a program of grants-in-aid to community clinics and free clinics for prescribed purposes. Existing law also requires that administrative costs of the grant program not exceed 3% of the aggregate amount of grants actually provided in any fiscal year.

This bill would, instead, require that administrative costs of the grant program not exceed 5% of the total amount appropriated for the grants-in-aid program provided in any fiscal year.

The bill would require the Legislative Analyst to review and comment on that percentage during the budget process

The bill would also declare legislative intent that if in future years the funding for the program is significantly increased the department is to reduce its administrative cost.

(2) Existing law authorizes the department to levy specified charges or fees for the issuance and renewal of enumerated certificates or documents and requires those fees or charges to be increased each year, commencing January 1, 1981, by the percentage charged printed in the Budget Act.

This bill would, instead, provide that any fee or charge, including a fee or charge for a record search, be adjusted annually by a base amount which is the statutory base amount of the fee or charge plus the sum of the prior adjustment to the statutory amount. The bill would also provide that whenever the statutory base amount is amended, the base amount would be the new statutory base amount plus the sum of adjustment to the new statutory base amount calculated subsequent to the statutory base

amendment. The bill would further require the department to publish a list of the actual numerical fee charges as adjusted, as prescribed

(3) Under existing law, the legislative body of a community which has declared the need for a community development commission to function in the community may declare itself to be the commission

This bill would provide that in [any community in]* San Bernardino County, which is a charter city, the adoption of any order or resolution by the legislative body acting as the commission shall be governed by the same procedures as are set forth in the provisions of the charter, as prescribed.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1317 (SB 1388) Ellis. State officers and employees. electronic fund transfers

Existing law requires every state and local public retirement system to permit any person entitled to the receipt of benefits to designate that payment of those benefits be transmitted to a financial institution for deposit in the person's account.

This bill would provide that, notwithstanding any other provision of law, any person entitled to the receipt of benefits from any state retirement system may authorize the payment of the benefits to be directly deposited by electronic fund transfer into the person's account at the financial institution of his or her choice, and would authorize the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit thereof by electronic fund transfer

Existing law does not specifically authorize the direct deposit by electronic fund transfer of the salaries or wages of state officers and employees.

This bill would provide that state officers and employees may authorize the direct deposit by electronic fund transfer of their salaries and wages into an account at the financial institution of the person's choice, and would authorize ~~require~~* the Controller to make an agreement with specified financial institutions, and to establish a program, for the direct deposit by electronic fund transfer of state officers' and employees' salaries and wages.

This bill would require that an itemized statement be furnished on a quarterly basis to a state employee who has authorized the direct deposit by electronic fund transfer of salaries or wages.

This bill would require the Auditor General to investigate and report to the Legislature by January 1, 1983, on the feasibility and cost of deposit of retirement benefits and salaries of state officers and employees, by electronic fund transfer

Ch. 1318 (AB 3520) Bergeson. Desert native plants, trees, shrubs, and boughs· harvesting, removal, and transportation.

(1) Existing law requires the Department of Justice to produce and distribute to sheriffs and county agricultural commissioners application forms, tags, seals, and wood receipts for the harvesting or removal of desert native plants, as specified

This bill would instead require the Department of Food and Agriculture to produce and distribute these items and would delete sheriffs as persons to whom these items are distributed

(2) Existing law requires persons purchasing trees, shrubs, or boughs from harvesters thereof to obtain a transportation tag from the seller prior to transporting a load of more than 5 trees, 5 native desert plants, or 5 pounds of shrubs or boughs on the public roads or highways. Unless transportation tags have already been obtained, harvesters and possessors of trees, shrubs, or boughs are required, prior to transporting, selling, or consigning such load, to file with the sheriff of each county in which the trees, shrubs, or boughs are to be harvested an application for transportation tags and to obtain a supply of tags sufficient to provide 1 tag for each load transported or sold. The Department of Justice is required to print and distribute the transportation tags and the application forms for the tags to the sheriff of each county. For the purpose of these

provisions, the term "shrub" is defined as including specified types of native desert plants

This bill would instead require the sheriff to print and distribute the application forms and the transportation tags for trees, shrubs, or boughs and delete the specific reference to native desert plants, but retain the definition of "shrub" which includes specified native desert plants

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1319 (SB 1937) Sieroty Works of art residual rights.

Existing state law does not reserve certain rights of ownership, as specified, of a work of art when such rights are conveyed

This bill would do so, as specified, unless such rights are expressly transferred, as specified.

Ch 1320 (SB 1938) Sieroty Fine art.

Existing law requires that all sellers of fine prints, as defined, produced after July 1, 1971, must disclose certain facts concerning these prints, including the name of the artist, the year when printed, the size of the edition, the maximum number of impressions, whether the plate was destroyed, and whether other editions were printed from the same plate or from the image, as specified The purchaser has the right to recover from a violator of these provisions the purchase price of the print, as well as treble damages if the violation was willful.

This bill would change the category of items covered by those provisions to "fine art multiples" and "multiples," as defined. As defined, those terms would include fine prints, as defined, photographs, sculpture casts, and collages.

The disclosure requirements of existing law are inapplicable to prints offered for sale or sold unframed for $25 or less or framed for $40 or less, and are inapplicable to fine prints printed prior to July 1, 1971

This bill would, instead, provide that the disclosure requirements apply to any fine art multiple offered for sale or sold for $100 or more. It would also impose certain disclosure requirements for fine art multiples printed prior to July 1, 1971

This bill would revise disclosure requirements, both as to the form and as to the manner of disclosure

The bill would exempt a charitable organization from these disclosure requirements if the organization either posts a disclaimer regarding the required disclosures at the site of the sale or auction of fine art multiples or includes such a disclaimer in advertisements or other written material distributed by the organization with respect to the sale or auction.

This bill would also provide that reasonable attorney's fees and court costs may be awarded by the court to the prevailing party in an action to enforce these provisions. The Attorney General or specified officers would also be authorized to seek injunctive relief or a civil penalty of less than $500 against violators of these provisions.

This bill would make other technical changes.

Ch. 1321 (AB 3191) Wright Weapons.

For the purposes of crimes relating to firearms the terms "pistol," "revolver," and "firearm capable of being concealed upon the person" apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any

explosion, or other form of combustion and which has a barrel less than 12 inches in length.

This bill would provide that those terms also include any device which has a barrel 12 inches or more in length that is designed to be interchanged with a barrel less than 12 inches in length

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1322 (SB 1420) Dills. State Fire Marshal.

(1) Under existing law, the State Fire Marshal is required to prepare and publish listings of construction materials and equipment, together with the name of any person, firm, corporation, association, or similar organization designated as the manufacturer, representative, or supplier, which are in conformity with building standards relating to fire and panic safety adopted and published in the State Building Standards Code.

This bill would additionally authorize the State Fire Marshal to evaluate, test, approve, disapprove, and list any other fire safety product not presently listed

(2) Under existing law, any person, firm, corporation, association, or similar organization which desires a listing shall, prior to placement on any list, make an original or annual renewal application to the State Fire Marshal. Existing law prescribes certain fee schedules for an original application, listing, and revision of any listing.

This bill would revise those schedules for the original application fee, listing fee, and revision fee, as prescribed. Additionally, the bill would authorize the State Fire Marshal to establish and collect a fee to cover the costs of evaluating or testing, or both, any other fire safety product not previously listed, as prescribed.

The bill would further provide that it is the intent of the Legislature that the increased revenue derived from the new fees be used as a source of funding to cover costs incurred by the State Fire Marshal in evaluating, testing, approving, and listing any other fire safety product not previously listed

(3) Existing law provides that where employees of a fire protection district are hired as a result of a consolidation, merger, incorporation, annexation or contract of a district, the seniority or other employment rights of the employees of the fire district or fire department taking over shall not be impaired as a result of the consolidation, merger, incorporation, annexation or contract, as prescribed.

The bill would provide for those rights notwithstanding any other provision of law.

The bill would make various findings and declarations

Ch. 1323 (SB 1596) Carpenter Health care service plans

(1) There is in existing law the Knox-Keene Health Care Service Plan Act of 1976 which requires health care service plans, as defined in the act, to be licensed by the Commissioner of Corporations. Existing law requires every plan applying for licensure under the act to pay to the Commissioner of Corporations a nonrefundable application fee of $2,500.

This bill would increase the application fee to $4,000, or, if the applicant is to offer only one type of specialized plan contract, $2,500.

(2) Under existing law, health care service plans are prohibited from conducting any activity under the act without minimum capital or net worth, and the maintenance of a surety bond in an amount not to exceed $10,000 as determined by rule or regulation of the commissioner.

This bill would raise the surety bond to an amount of $50,000.

Ch 1324 (AB 3310) Wright. Tear gas

Under existing law, it is a crime for a person to sell or furnish any tear gas or tear gas weapon to a minor or for a minor to purchase, possess, or use tear gas or tear gas weapons

This bill would authorize the sale or furnishing of tear gas or tear gas weapons to, and the purchase, possession, and use of tear gas or tear gas weapons by, a minor who has

attained the age of 16 upon completion of a course in the use of tear gas and tear gas weapons certified by the Department of Justice and with parental consent thereto.

Ch. 1325 (AB 3381) Bosco. Commercial banks

Under existing law, the Superintendent of Banks and any deputy or employee of the State Banking Department are generally not permitted to be indebted, directly or indirectly, as borrower, endorser, surety, or guarantor to any bank supervised by the department. However, these persons are authorized to obtain and maintain a mortgage loan upon their own homes from any bank in this state.

This bill would revise that authorization to instead permit those persons to maintain with any bank in this state a loan which is secured by a lien on his or her own home subject to specified provisions

Existing law specifies that an obligation shall not be deemed secured by personal property or collateral unless the personal property or collateral held as security is of a kind which has not been declared ineligible by the Superintendent of Banks and unless it has a market value at least 15% greater than the amount of the obligation secured thereby.

This bill would specify that if the obligation is secured by a bank deposit, it shall have a face value at least equal to the amount of the obligation secured thereby

Existing law provides that whenever the contributed capital of a bank or trust company is impaired, the superintendent shall order the bank or trust company to levy and collect an assessment upon its common shares.

This bill would provide that the date on which the bank or trust company levies the assessment shall be not more than 60 days after the date of the order; the date on which the assessment is payable shall be not more than 60 days after the date of the levy of the assessment, the date on which the assessment becomes delinquent if not paid shall be not later than a specified time; and the date on which the delinquent shares are sold shall be not later than a prescribed time. It would also permit the superintendent for good cause to shorten the time period.

Existing law provides that no bank or trust company shall deposit any of its funds in any other bank except a Federal Reserve bank, unless such other bank has been designated as a depository, as specified

This bill would provide, instead, that the amount of funds of a bank or trust company which are deposited in any other financial institution, except a Federal Reserve bank, shall not at any time exceed 10 percent of the sum of the shareholders' equity, allowance for loan losses, capital notes, and debentures of the depositing bank or trust company unless the financial institution has been designated as a depository, as specified.

Existing law provides that with the approval of the superintendent a bank may borrow from a Federal Reserve bank, as specified, and pledge obligations of the United States as security, as specified.

This bill would repeal this provision.

Existing law provides that a commercial bank may rediscount, with or without guaranty or endorsement, with a Federal Reserve bank, or may sell to a Federal Reserve bank notes, drafts, bills of exchange, acceptances, and other securities and loans secured by obligations of the United States with no restrictions and as fully and to the same extent as may national banks under specified provisions of law.

This bill would provide instead that a commercial bank may rediscount with, borrow money from, or hypothecate its assets as security for money borrowed from a Federal Reserve bank or the Federal Deposit Insurance Corporation.

Existing law specifies certain limitations on obligations of any one person owing to a commercial bank at any one time.

This bill would provide that the obligation limitations include allowance for loan losses.

Existing law permits a commercial bank to issue certain letters of credit and to accept drafts for bills of exchange drawn upon it having not more than 6 months sight to run, exclusive of days of grace, which grew out of transactions involving the importation or exportation of goods, or which grew out of transactions involving a domestic shipment of goods, under specified conditions.

This bill would add to existing limitations regarding the acceptance of such drafts for bills, allowance for loan losses. It would also make other specified changes to incorporate

allowance for loan losses.

Existing law provides that the superintendent is empowered to prescribe rules and regulations as will permit a bank, upon the security of residential property, to make loans and advance credits thereon, upon the execution by the borrower of mortgage payment instruments not authorized under existing law, as specified.

This bill would delete that authorization and would make conforming changes.

This bill would also provide that whenever any provision, as specified, which is applicable to or with respect to a foreign (other nation) bank licensed to transact business in this state, limits the amount of any assets or liabilities of the bank, as specified, for purposes of calculating the amount of such assets or liabilities, then only the assets or liabilities of the agencies or branch offices of the bank shall be included, and the assets and liabilities of offices of the bank outside this state shall be excluded.

Ch. 1326 (AB 3384) Vasconcellos. Fiscal affairs.

(1) Under existing law, there is an Interagency Management Team which is required to conduct management assessments of state agencies, under specified conditions. These provisions are to remain in effect only until January 1, 1985.

This bill would repeal those provisions effective January 1, 1983.

(2) Under existing law, various duties are imposed on the Governor and the Department of Finance with respect to fiscal affairs of the state. Among other things, the Governor, or the department, is required to prepare an annual budget and a supplemental report after July 1 and before August 1 of each year containing specified information regarding every state entity.

This bill would instead require that the supplemental report be prepared by each state entity and would change the August 1 date to August 15.

(3) Existing law requires that the annual Governor's Budget, among other things, contain a comparison of actual revenues and expenditures for the last completed fiscal year and the actual revenues and expenditures for the existing fiscal year. Existing law also requires that the annual Budget Bill be prepared so that it reflects and follows the annual Governor's Budget, including programs and elements itemized therein.

This bill would require that the actual revenue and expenses for the last completed fiscal year be compared with the estimated revenues and expenses for the existing fiscal year. The bill would also delete the requirement that the Budget Bill include the elements contained in the Governor's Budget.

(4) Existing law defines various terms relating to the fiscal affairs of the state, including "obligation" and "encumbrance."

This bill would redefine "encumbrance" and would change the term "obligation" to "payable," to be consistent with other existing provisions of law.

(5) This bill would delete obsolete references to "governmental cost funds," which are currently classified by the department as "governmental funds," and would make related, conforming changes.

(6) Under existing law, requirements with respect to a coding scheme for the Budget Bill are to apply commencing with the second fiscal year for which funds are appropriated to implement these provisions.

This bill would require that the provisions be implemented commencing with the second fiscal year following the fiscal year in which the California Fiscal Advisory Board (CFAB) recommends to the Department of Finance that the implementation be reflected in the Budget Bill

(7) Under existing law, CFAB is required to review budgeting and accounting processes, considering specified subjects, and make a final report by January 1, 1983.

This bill would require that CFAB also consider a recommended schedule for implementing the coding requirements specified in (6) above, and would make the final report due prior to the time the requirements are implemented.

Ch 1327 (SB 1249) Russell. Secured transactions.

Existing law provides that upon the request of any person, the filing officer, who may be the county recorder, the Secretary of State, or some other person depending upon the type of security interest involved, is required to issue a certificate showing whether there is on file, at that time, any presently effective financing statement relating to a security interest in property naming a particular debtor and any statement of assign-

ment thereof, and if there is, giving certain relevant information, as specified The uniform fee for such a certificate is $5.

This bill would instead provide that the fee for such a certificate shall be set by the filing officer in an amount which covers actual costs but which in no event exceeds $15

Ch 1328 (AB 3422) Farr. Organic food.

(1) There is an existing law, the Sherman Food, Drug, and Cosmetic Law which, among other things, provides for standards relating to the advertising or labeling of food products as organic, organically grown, naturally grown, wild, ecologically grown, or biologically grown Additionally, existing law authorizes any person, organization or public or private entity, in addition to the authority of the Superintendent of Health Services, to bring an action to enjoin violations of provisions relating to organic foods and authorizes the court to award attorney's fees in those actions. Existing law repeals the provisions relating to organic food January 31, 1983

This bill would delete the repeal provisions and thereby continue in effect the standards relating to the advertisement or labeling of the above-described food products.

(2) Existing law provides that no state agency shall have any affirmative obligation to adopt regulations or otherwise to enforce the provisions relating to organic food Existing law repeals this provision January 31, 1983.

This bill would, instead, repeal this provision January 31, 1985.

(3) Existing law restricts the raw agricultural commodities which may be labeled or advertised with the terms "organic," "organically grown," "naturally grown," "wild," "ecologically grown," or "biologically grown" to raw agricultural commodities without applying coloring or synthetically compounded materials in the unpeeled natural form, except rapid heating or chilling, and which meet prescribed requirements

This bill would, instead, restrict the raw agricultural commodities which may be so labeled to raw agricultural commodities in the unpeeled natural form, except rapid heating or chilling, and without applied coloring or synthetically compounded materials added by the grower, processor, or handler, and which meet prescribed requirements

This bill would also revise certain of the prescribed requirements applicable to raw agricultural products which are so labeled.

(4) Existing law requires that all growers who sell farm products identified as "organic," "organically grown," "naturally grown," "wild," "ecologically grown," or "biologically grown," all persons who process or manufacture food products which are sold as so identified; and all persons who sell such food products to keep prescribed records Existing law prohibits the use of such terms for the advertising or labeling of a raw agricultural commodity, processed food product, or meat, poultry, fish, or milk unless it meets prescribed requirements and is prominently labeled in a prescribed manner It also requires, when a food product which is subject to the provisions relating to the labeling or advertising of food products with such terms is labeled as "certified," that the name of the person or organization which provides the certification be listed on the label. Existing law however, exempts from these requirements, within certain exceptions, persons engaged in business as wholesale or retail distributors of such commodities.

This bill would eliminate this exception.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1329 (AB 3424) Lockyer Public social services programs

Existing law provides for an Employment Services Board within the Employment Development Department. The duties of the board include studying the statewide problems of job training and placement, advising the director on all matters referred by him or her to the board for recommendation, and submitting annual reports to the director, the Governor, and the Legislature, with suggestions and recommendations for administrative, executive and legislative action.

This bill would repeal the above existing law and would establish a State Job Training Council, as defined, with specified duties for the following purposes: to promote integration of employment and training programs at the state level, to further cooperation between government and the private sector in meeting California employers' needs for well-trained workers and California workers' needs for good jobs, and to provide technical assistance to the county private industry councils

Existing law provides for the Work Incentive Program. Under this county-administered, and state and federally funded program, recipients under the Aid to Families with Dependent Children program are provided with incentives, opportunities, and necessary services to achieve the goal of employing these individuals in the regular economy.

This bill would provide for statutory provisions covering various employment preparation and training services programs, including those for recipients under the Family Economic Security Program, vocational education programs, youth employment programs, and other specified programs.

This bill would provide that the Employment Development Department would be given supervisorial authority over the provisions relating to these employment services programs.

The bill would further provide that, in organizing these programs, each county would submit to the Employment Development Department for its approval, a county plan detailing the programs to be provided in that county and other information specified in the bill. The bill provides that the county plan shall be designed by a private industry council, to be appointed by the board of supervisors of each county in a specified manner. The plan for each county would be subject to approval by the Employment Development Department.

The bill would provide procedures whereby persons failing to cooperate with program requirements in any of the programs covered by the employment services provisions can be deregistered from participation in the program.

The bill provides for the establishment of the Consolidated Work Program Fund, into which specified federal and state funds appropriated for use in specified employment preparation and training services programs would be placed. The Employment Development Department would allocate moneys in this fund to the counties.

Existing law provides for the Aid to Families with Dependent Children program, under which needy families are provided with cash assistance, and under certain circumstances, recipients are provided with access to employment preparation and training programs.

This bill would rename this program the Family Economic Security Program.

The bill would require the State Department of Social Services, in consultation with county welfare departments, recipient organizations, and the Employment Development Department, to conduct a study to identify needed improvements in the interrelationship between existing employment and public assistance delivery systems and to develop an action plan for submission to the Legislature by July 1, 1983.

The bill provides that it is the intent of the Legislature that provisions of this act shall be funded through existing resources and personnel of the State Department of Social Services and the Employment Development Department.

The bill provides that the Employment Development Department and the State Department of Social Services shall seek all necessary federal waivers.

The bill provides that the Family Economic Security Program; Job Preparation and Teaching Services shall be in effect in all counties by December 31, 1983.

Existing law provides that the state employment and training council created pursuant to the Comprehensive Employment and Training Act of 1973, as amended, shall participate in an advisory capacity in developing the state employment and training plan.

This bill would repeal the above existing law.

In addition, the bill would state that this act presumes that Congress will enact federal employment and training funding legislation and that unless and until the legislation is enacted and, as long as the Comprehensive Employment and Training Act of 1973, as amended, remains in effect, this act shall remain inoperative.

The bill would provide that its provisions shall not be construed so as to hold counties liable for the costs of implementing any new duty or higher level of service provided for under the bill.

Ch. 1330 (AB 439) Tucker Veterans' Home of California.

(1) The Veterans' Home of California is provided as a residence and treatment center for aged and disabled persons who have served in the armed forces during war or a period of hostility, and for their spouses, meeting certain residence requirements, and is operated by the Department of Veterans Affairs under the administration of the Commandant, Veterans' Home of California. Fees to be paid by members of the home for the use of its facilities and services are established administratively

This bill would specifically permit the department to set the fees so that the total fees in any fiscal year would not exceed an amount in excess of 18% of the state's General Fund cost of operating the home for that year.

(2) Under existing law, the Director of General Services may lease or let property of the Veterans' Home of California not needed for any purpose of the home

This bill would require the Director of General Services to secure the consent of the Director of Veterans Affairs in this connection.

(3) Under existing law, a certificate of need issued by the Office of Statewide Health Planning and Development is required for the construction or certain enlargements or expansions of services or facilities in a health facility.

This bill would state that the Master Plan of the Veterans' Home of California shall not be reviewable by the Office of Statewide Health Planning and Development, and would make certain legislative findings and declarations in this regard.

(4) The bill would repeal these provisions, except for the provisions described in (3), above, on January 1, 1986.

(5) The bill would take effect immediately as an urgency statute.

Ch 1331 (AB 3748) Young. Health.

(1) Existing law relating to health manpower pilot projects permits the approval of projects involving, among other things, the prescribing, dispensing, or administering of drugs or devices by registered nurses, physician's assistants, or pharmacists. The provisions authorizing these projects would be in effect only until January 1, 1983.

This bill would make the provisions authorizing such projects effective until July 1, 1983. The bill would provide that no new projects may be approved after January 1, 1983, and no new trainees may be added after September 30, 1982. The bill would, in addition, extend to July 1, 1983, provisions, which would otherwise be repealed January 1, 1983, permitting registered nurses, physician's assistants, or pharmacists to prescribe, dispense, or administer devices or drugs.

(2) This bill would also provide that a city which operates a Short-Doyle program shall receive advance quarterly payments under the Short-Doyle program based on a quarterly estimate of expenditures.

(3) The bill would take effect immediately as an urgency statute

Ch. 1332 (SB 1755) Sieroty. Artists' employment relationship

Existing law requires employers to provide workers' compensation insurance and to make unemployment compensation insurance contributions for their employees, and requires employees to pay worker contributions at specified rates for unemployment compensation disability insurance.

This bill would provide that any person contracting for the creation of a specially ordered or commissioned work of authorship when the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire, as defined in federal law, and the ordering or commissioning party obtains ownership of all of the rights comprised in the copyright in the work, shall be the employer of the author of the work for purposes of workers' compensation insurance, unemployment compensation insurance, and unemployment compensation disability insurance.

This bill would incorporate additional changes in Section 621 of the Unemployment Insurance Code proposed by A B. 3027 and S.B. 2033, to be effective only if A.B. 3027, or S.B. 2033, or both, and this bill are chaptered and become effective on January 1, 1983, and this bill is chaptered last.

Ch. 1333 (AB 3752) Sebastiani. Forestry fires spark arresters.

(1) Existing law prohibits the maintenance, use, or operation of any rubbish dump, as defined, outside of the exterior boundaries of a city without a permit issued by the Department of Forestry Violations are a public nuisance.

This bill would, instead, require the maintenance of any solid waste facility in strict

accordance with the flammable clearance and fireproof container requirements of the bill. The bill would make violation of the maintenance requirements for solid waste facilities a misdemeanor and would specify the punishment, with enhanced penalties for a 2nd or subsequent conviction within 5 years.

(2) Existing law imposes requirements on processors of forest products to prevent fire hazards. The Director of Forestry is required to prescribe, by regulation, the requirements for the disposal of flammable material from that processing in enclosed devices or by landfill. Violation of these requirements is a public nuisance

This bill would revise and recast those requirements to authorize the director to establish regulations for storage, disposal, or use of forest product waste or residue, as defined in the bill The bill would make the permitting or allowing of accumulation of flammable waste material or residue a misdemeanor and would specify the punishment, with enhanced penalties for a 2nd or subsequent conviction within 5 years.

(3) Under existing law, it is a misdemeanor to sell, offer for sale, lease, rent, operate, or cause to be operated, specified equipment equipped with an internal combustion engine that uses hydrocarbon fuels in harvesting or moving grain or hay, or on flammable agricultural crop land, forest-covered land, brush-covered land, or grass-covered land, unless the equipment is equipped with a spark arrester, as specified, or the person is given notice of those requirements.

This bill would revise and recast those provisions, including making it a misdemeanor for a person to allow an internal combustion engine to be operated on forest-covered, brush-covered, or grass-covered land unless it is equipped with a spark arrester or meets specified requirements

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons

Ch 1334 (AB 2652) Moore Special education· personnel

(1) Under existing law, special education programs for all individuals with exceptional needs are provided pursuant to a statewide master plan for special education School districts are required to develop a plan, as specified, for the education of all individuals with exceptional needs residing in the district.

This bill would require that visually handicapped, hearing handicapped, and orthopedically handicapped pupils be taught by appropriately credentialed teachers who possess the professional expertise to teach those pupils. This bill would require the superintendent to establish guidelines, for stated purposes, for each low incidence disability area, as defined, and to provide technical assistance to specified individuals regarding the implementation of the guidelines

This bill would specify that the adopted guidelines shall be promulgated for the purpose of establishing recommended guidelines and shall not operate to impose minimum state requirements

(2) Existing law requires that a written report based on an individual assessment of the pupil's educational needs be prepared before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction.

This bill would require that the assessment be conducted by qualified persons and that the pupil be assessed in all areas related to the suspected disability, including low vision, where appropriate.

This bill would, also, require that the assessment of a pupil with a suspected low incidence disability be conducted by persons knowledgeable of that disability with special attention to the unique educational needs of the pupil, as specified.

(3) This bill would specify that notwithstanding specified provisions of existing law, pupils with low incidence disabilities may receive all or a portion of their instruction in the regular classroom and may also be enrolled in special classes taught by appropriately credentialed teachers who serve these pupils at one or more school sites This bill would specify that the instruction shall be provided in a manner which is consistent with

guidelines adopted by the superintendent and as specified in the individualized education plan

(4) This bill would renumber Section 44265 5 of the Education Code, as added by this bill, to reflect the reorganization of provisions relating to teacher preparation and licensing, proposed by AB 3472, to become operative on or before January 1, 1983, but only if this bill and AB 3472 are both chaptered and become effective, and this bill is chaptered last.

(5) This bill would incorporate changes in Sections 56320 and 56345 of the Education Code, proposed by SB 1345, to become operative January 1, 1983, but only if this bill and SB 1345 are both chaptered and become effective, and this bill is chaptered last.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer as required by that section; therefore, the provisions of this act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1335 (SB 1031) Greene. Counties: employees

Existing law authorizes counties to adopt ordinances establishing a civil service system for county employees and appointed county officers

The law prescribes various provisions to be included in a county civil service system concerning dismissal, suspension, or reduction in rank or compensation of officers and employees, including specific procedures for appeal.

Existing law allows Contra Costa County, as an alternative to following the prescribed appeal procedures, to provide, by ordinance or resolution of the board of supervisors, that an officer or employee who is dismissed, suspended, or reduced in rank or compensation may elect to appeal such action under grievance procedures, which may include final binding arbitration

This bill would, instead, allow any county, as an alternative to following the prescribed appeal procedures, to provide, by ordinance or resolution of the board of supervisors, that an officer or employee who is dismissed, suspended, or reduced in rank or compensation may elect to appeal such action under grievance procedures established through collective bargaining, which procedure may include final binding arbitration.

Ch 1336 (AB 2928) Joint Committee on Fisheries and Aquaculture Resources.

(1) Under existing law, the regulations of the Fish and Game Commission generally pertaining to sport fishing and hunting are subject to, among other requirements, the notice, hearing, and effective date provisions of the Administrative Procedures Act.

This bill would exempt the regulations from those provisions, but would require that the regulations be filed with the Secretary of State The regulations would take effect immediately upon filing unless otherwise specified

(2) Under existing law, the annual regulations of the commission pertaining to migratory birds are not subject to the requirements for effective date, notice of hearings, and emergency requirements of the Administrative Procedures Act.

This bill would revise that exemption to conform it to the revision of the Administrative Procedures Act and, instead, would exempt the commission's regulations from the requirements for time periods for adoption, amendment, or repeal of regulations, and from the requirements for emergency regulations, effective dates, and hearing requirements, of that act.

(3) Existing law prescribes various fees for licenses, license tags, and permits issued by the Department of Fish and Game to authorize the holder to take fish or game for commercial, sport, or scientific purposes.

This bill would authorize the commission to establish a fee by regulation whenever

the Fish and Game Code does not specify whether a fee is to be collected, for the issuance of any license, license tag, certificate, permit, or other entitlement The fee established by the commission would not exceed the reasonable costs incurred by the department in implementing the program to which the license or permit is related

(4) Under existing law, salmon may not be taken for commercial purposes except under a nontransferable, revocable permit issued by the department to a qualified individual, as specified.

This bill would repeal the above-stated provisions and would create, until January 1, 1988, a new permit system which would provide the following

(a) Permits would be issued to vessel owners if the vessel had been used to take salmon commercially from 1980 to August 11, 1982, to vessel owners who have, prior to August 11, 1982, constructed or purchased a vessel in anticipation of entering the salmon fishery, or to new entrants, as specified

(b) Permits would remain with the vessel upon change of ownership and could not be transferred.

(c) The department would be required to set a fee to be charged for the permits which would be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, thus resulting in an appropriation.

(d) The Commercial Salmon Fishing Review Board would be established in the department with specified membership and duties relating to the permit system.

(5) Existing law prohibits possessing in excess of 1,000 pounds of incidentally taken fish per trip when fishing for ridgeback prawn and spotted prawn

This bill would permit sea cucumbers to be taken in any amount when fishing for ridgeback prawn and spotted prawn

(6) Chapter 14 (AB 2214) of the Statutes of 1982 excluded and reclassified specified areas within the Smith River watershed from the California Wild and Scenic Rivers System and prohibited mining activity in specified areas of that watershed which would adversely affect specified values

This bill would revise the area of prohibited mining activity to the area within ¼ mile of the north fork of the Smith River in the County of Del Norte.

(7) Existing law provides for the Renewable Resources Investment Fund from which money may be expended, pursuant to appropriation by the Legislature, for specified purposes.

This bill would add wildland fire control and prevention programs and coastal resource enhancement projects provided for under designated provisions to the purposes for which money from the fund may be expended.

(8) Existing law does not provide for a Commercial Salmon Trollers Advisory Committee.

This bill would establish a Commercial Salmon Trollers Advisory Committee with specified membership and duties

(9) The bill would require the State Coastal Conservancy to prepare and submit a report to the Legislature on or before June 1, 1983, on commercial fishing facilities, as specified

(10) The bill would eliminate obsolete language and make other technical changes relating to commercial salmon fishing.

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1337 (SB 745) Sieroty Offenses: driving under the influence· blood alcohol.

Under existing law, it is unlawful for a person to drive a vehicle when under the influence of an alcoholic beverage or any drug, or both It is also unlawful for a person to drive a vehicle with 0.10% or more, by weight, of alcohol in his or her blood.

Under existing law, in any preliminary proceeding or trial of any criminal action, arising out of acts alleged to have been committed by the person when driving a vehicle while under the influence of an alcoholic beverage, 0 10% or more, by weight, of alcohol

in the persons blood at the time of the test, as specified, gives rise to a presumption affecting the burden of proof that the person was under the influence of an alcoholic beverage at the time of driving.

This bill would, in any prosecution for driving a vehicle with 0.10% or more, by weight, of alcohol in his or her blood, make it a rebuttable presumption that the person had 0.10% or more, by weight, of alcohol in his or her blood at the time of driving the vehicle if the person had 0.10% or more, by weight, of alcohol in his or her blood at the time of the performance of a chemical test within 3 hours after the driving.

The bill would also make a technical change in those provisions.

Ch. 1338 (SB 1601) Sieroty. Vehicles driver's licenses. restriction.

(1) Under existing law, a court may grant probation to a person convicted of a second offense of driving under the influence of an alcoholic beverage or a drug, or a combination thereof, with an excessive blood alcohol concentration, or when addicted, on the condition the person attend a specified alcoholic rehabilitation program. If the person convicted consents to that probation, the court may restrict the person's driving privilege and the Department of Motor Vehicles may not suspend or revoke the privilege except upon failure to continue participation in the program.

This bill would, instead, provide for the department to restrict the driving privilege on specified certification from the court of the probation terms. The bill would specify the administrative procedures for the restricted licenses and make conforming changes to other provisions of law.

(2) The bill would become operative July 1, 1983

(3) The bill would incorporate additional changes to Sections 13352 5 and 23186 of the Vehicle Code proposed by AB 3405, to become operative July 1, 1983, if both bills are chaptered and this bill is chaptered last.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch 1339 (AB 3405) Moorhead Driving offenses. alcohol treatment programs: implied consent

(1) Existing law does not provide for evaluation of programs for persons convicted of a first offense of driving under the influence of an alcoholic beverage or any drug.

This bill would require the Governor's Interdepartmental Advisory Council on Alcohol, Drugs, and Traffic Safety to conduct such an evaluation and make specified reports to the Legislature The bill would provide for funding of the evaluation until July 1, 1986, by fees paid for participation in the first offender programs upon appropriation by the Legislature of the fees, which are required to be deposited in the First Offender Program Evaluation Fund, created by the bill The bill would also restrict any other fees charged by a county for participation in a first offender program, as specified

(2) Under existing law, first offenders of misdemeanor driving under the influence of an alcoholic beverage or drugs, or both, with excessive blood alcohol concentration, or when addicted, as specified, may be granted probation after conviction, on condition that the person participate in, and successfully complete, among others, a specified treatment program for persons who are habitual users of alcohol or drugs Persons arrested for those offenses are required to submit to a chemical test of their blood, breath, or urine, and, upon failure or refusal, the Department of Motor Vehicles is required to suspend the driving privilege for 6 months

This bill would revise the nomenclature of those programs to be alcohol or drug education programs and require any county which has approved and certified a program or programs to make provision for persons who cannot afford the program fee and to provide for groups that have particular needs relating to the program. The bill would require the treatment programs to conform, as a minimum, to guidelines developed by

the Governor's Task Force on Drunk Driving The bill would also provide that the suspension for refusal or failure to submit to a chemical test would be one year if the person has previously been convicted of driving under the influence, with excessive blood alcohol, or when addicted, or of reckless driving involving alcohol, as specified, within 5 years of the date of refusal

(3) Under existing law, specified medical personnel and facilities are not liable for civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer such a test.

This bill would revise that provision to provide the immunity from civil and criminal liability, notwithstanding any other provision of law, when the blood test is administered in a reasonable manner in a hospital, medical laboratory, or medical clinic environment, according to accepted medical practices, without violence by the person administering the test, and when requested in writing by a peace officer to administer such a test.

The bill would also provide that offering, acceptance, or refusal of consent or waiver of liability is not an issue or relevant to that immunity

(4) Under existing law, the Department of Motor Vehicles may, under specified circumstances, investigate whether the privilege of a person to operate a motor vehicle should be suspended or revoked, and, after notice and hearing, suspend or revoke that driving privilege

This bill would add to those circumstances 3 or more convictions of the person which involve consumption of an alcoholic beverage or drug, or both, or possession of an open container, or a person under 21 years of age operating a motor vehicle containing alcoholic beverages, or other related offenses, in 3 consecutive years, or 3 or more accidents in which the person was involved in which the accident reports show that the person was driving and had consumed alcoholic beverages or drugs or both, or any combination of 3 or more of those offenses and accidents

(5) Under existing law, the penalties for driving with a suspended license are enhanced for a second conviction within 7 years of a prior offense, as specified

This bill would, instead, provide for that enhanced penalty if the second offense occurred within 5 years of the prior offense

(6) Under existing law, second offenders convicted of driving under the influence of an alcoholic beverage or drugs, or both, or with excessive blood alcohol concentration, who cause bodily injury or death to another, as specified, within 5 years of a prior offense, may be granted probation on specified terms, which may include having the privilege to drive restricted for 3 years to driving to and from, or in, employment

This bill would require that probation term to include instead, a suspension of the privilege for one year followed by a restriction for 2 additional years to driving to and from, or in, employment.

(7) Chapter 331 of the Statutes of 1982 (SB 1311), an urgency statute, deleted certain cross-references to licensing sanctions in the penalty sections for convictions of driving under the influence of alcoholic beverages or drugs or both which were added to those sections by Chapter 53 of the Statutes of 1982 (AB 542), another urgency statute and had other omissions in related statutes. It also increased the minimum fine imposed as a sentence for conviction of those crimes.

This bill would restore those cross-references and omissions and would increase the minimum fine which is required to be imposed as a condition of probation for such a conviction in the same amount.

(8) There is no existing prohibition against a patient or person residing in a prescribed rehabilitation facility (halfway house) from having a motor vehicle on or near the premises of the facility.

This bill would prohibit such a person from having a motor vehicle registered in his or her name on or near those premises unless that person has a valid driver's license.

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(10) This bill would incorporate additional changes in Sections 13352.5, 23166, and

23186 of the Vehicle Code proposed by SB 1601, to become operative on July 1, 1983, the operative date of SB 1601, if this bill is chaptered last

(11) The bill would take effect immediately as an urgency statute.

Ch. 1340 (AB 3348) Wyman Vehicles. driving under the influence

Existing law prohibits driving while under the influence of an alcoholic beverage, any drug, or a combination of an alcoholic beverage and any drug, or with excessive blood alcohol concentration, and provides that any person who drives a motor vehicle is deemed to have consented to a chemical test of his or her urine, breath, or blood for determining the alcoholic content. When the test is incidental to a lawful arrest, the person has the right to choose which blood alcohol chemical test is to be administered, and the officer is required to advise the person of his or her right to choose the blood alcohol chemical test to be administered

This bill would, instead, provide that any person who drives a motor vehicle is deemed to have consented to chemical testing of his or her blood, breath, or urine for determining the alchoholic content of his or her blood, and to have given his or her consent to chemical testing of his or her blood or urine for determining drug content of his or her blood. The bill, additionally, would require that a person, who is lawfully arrested for driving a motor vehicle under the influence of a drug or the combined influence of an alcoholic beverage and any drug, submit to a blood or urine test under specified conditions, and the bill would require the officer to report the facts of those conditions. The bill would provide that the person would also have the choice of the blood or urine test and that the person would be required to be advised of the additional requirement and that choice.

The bill would become operative July 1, 1983

Ch. 1341 (AB 555) Wright. Drivers' licenses· administrative hearings

Under existing law, the Department of Motor Vehicles is generally required to conduct a hearing, upon request, concerning suspension or revocation of a person's driving privilege. The time and place for a formal hearing is required to be fixed in the county where the applicant resides, or may be set at a different place with the concurrence of the applicant.

This bill would require a hearing to suspend the driving privilege for failure or refusal to submit to a chemical test to determine blood alcohol content to be held in the county in which the violation occurred, with provision for a continuance of up to 15 days where the county of the violation is other than the county of residence.

This bill would incorporate additional changes in Section 13353 of the Vehicle Code proposed by AB 3348 and AB 3405, if either, or both, of them are chaptered, to become operative on the operative dates of this bill or AB 3348, as specified, if this bill is chaptered last.

Ch. 1342 (SB 1505) Montoya Unauthorized cable television connection.

Existing law provides that every person who knowingly and willfully makes unauthorized connections, whether physically, electrically, or inductively or attaches any unauthorized device or devices to any cable, wire or other component of a franchise cable television system or to a television set for the purpose of intercepting any program carried by a franchised cable television system is guilty of a misdemeanor punishable by a fine not exceeding $200 or imprisonment in the county jail not exceeding 30 days.

This bill would extend such prohibition to the making or maintaining of any modification or alteration to any device installed with the authorization of a franchised or otherwise duly licensed cable television system, for the purpose of intercepting or receiving any program or other service carried by the system. A violation of the provision would constitute a misdemeanor punishable by a fine not exceeding $1,000 or by imprisonment in the county jail not exceeding 90 days or both. Each connection or attachment would constitute a separate violation.

The bill would also do all of the following.

(1) Prohibit every person who, without authorization, knowingly and willfully manufactures, imports into the state, distributes, sells, offers to sell, possesses for sale, or advertises for sale any device, or plan or kit for a device, or printed circuit, designed to decode, descramble or otherwise make intelligible any encoded, scrambled or other

nonstandard signal carried by that cable television system. It would make a violation a misdemeanor punishable by a fine not exceeding $10,000 or by imprisonment in the county jail, or both. A second or subsequent conviction would be punishable by a fine not exceeding $20,000 or by imprisonment in the county jail for up to one year, or both

(2) Permit any franchise cable television system to bring an action against the person who committed the violation for specified damages.

(3) Permit a franchise or otherwise duly licensed cable television system to bring an action to enjoin and restrain specified violations.

(4) Provide that it is not a necessary prerequisite to such actions that the plaintiff suffer, or be threatened with, actual damages.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1343 (AB 3295) Agnos Fiscal affairs. block grants

Existing law provides for the receipt and distribution of federal block grants for the 1981–82 fiscal year.

This bill would set forth findings and declarations of the Legislature with respect to federal block grants, would specify the federal block grants to be assumed in the 1982–83 fiscal year and the services to be provided, and would specify the procedures applicable to the administration of federal block grants for the 1982–83 fiscal year.

Existing law establishes a block grant advisory task force

This bill would revise the duties of the task force, as specified.

In addition, the bill would create in the State Treasury the Federal Block Grant Fund to which there is allocated $135,000 from federal block grant funds designated by the Budget Act of 1982 to be appropriated, as specified.

Ch. 1344 (AB 1287) Tucker. Respiratory therapists.

Existing law does not provide for the certification and regulation of persons engaged in the practice of respiratory care.

This bill would enact the Respiratory Care Practice Act and provide for the certification and regulation of persons engaging in the practice of respiratory care, respiratory therapy or inhalation therapy. The bill would make it unlawful for a person to engage in the practice of respiratory care, respiratory therapy or inhalation therapy, as defined, or to hold himself or herself out as a respiratory care practitioner, as defined, unless the person holds a certificate pursuant to the act.

The bill would create a Respiratory Care Examining Committee within the jurisdiction of the Board of Medical Quality Assurance which would enforce and administer the act and would prescribe the committee's powers and duties.

The bill would specify the qualifications and educational requirements for a certificate and would provide for the examination of applicants for a certificate.

The bill would establish fees for certificates, would create the Respiratory Care Fund for the deposit of all money received pursuant to the act, and would continuously appropriate the money in the fund to the committee to carry out the provisions of the act.

The bill would ~~appropriate~~ [state the intent of the Legislature that]* whatever funds are necessary [to establish the Respiratory Care Fund be appropriated]* from the Contingent Fund of the Board of Medical Quality Assurance to the Respiratory Care Fund to carry out the act That amount would be required to be repaid to the contingent fund within 3 years, with interest, as specified.

The provisions of the bill would be operative July 1, 1983

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1345 (AB 1128) Bergeson Regional occupational centers· admission of pupils

Existing law specifies that any school district which, in cooperation with other school districts, maintains a regional occupational center, or program may admit to the center or program any pupil, otherwise eligible, who resides in any of the cooperating districts Under existing law, any district which by itself maintains a regional occupational center or program, may admit any pupil, otherwise eligible, who resides in the district

This bill would require the State Department of Education to establish a 2-year pilot project commencing January 1, 1983, whereby the governing board of any regional occupational center or program operated by a joint powers agency or a county superintendent of schools maintaining a county regional occupational center or program in Los Angeles County or Orange County may admit to its programs or classes, on a full-time or part-time basis, any person who can benefit from the program or classes, including a person who does not reside in the attendance area of the center or program, if there are openings in the program or classes This bill would limit the total enrollment of pupils residing outside the attendance area of the center or program to 10% of the total enrollment, except in those centers or programs having an enrollment of these pupils in excess of 10% in the 1981–82 fiscal year, in which case the bill would limit enrollment to that higher level.

This bill would require the department to submit a report to the Legislature no later than March 1, 1986, as to whether there has been a reduction in costs or any increase in the enrollments of participating regional occupational centers or programs.

This bill would specify that a regional occupational center or program shall not be eligible for state reimbursement for home-to-school transportation allowances for pupils enrolled in the center or program pursuant to the provisions of this bill.

This bill would also specify a method for computing the revenue limit for pupils who entered a regional occupational center or program outside of their county or district of residence

This bill would specify that under no circumstances shall any person be enrolled in a regional occupational center or program pursuant to the provisions of this bill in a manner which contradicts delineation of function agreements.

Ch. 1346 (AB 1858) Konnyu Housing.

(1) There is in existing law the Mobilehome-Manufactured Housing Act of 1980, under which the Department of Housing and Community Development is required to regulate the titling and registration, occupational licensing, advertising, commercial transactions, and other transactions relating to manufactured housing, mobilehomes, recreational vehicles, and commercial coaches.

This bill would make technical, nonsubstantive changes in that law.

(2) Under existing law, a shared appreciation loan originated by a lender on behalf of a pension fund which is subject to the Federal Employee Retirement Income Security Act of 1974 is required to conform to the terms and conditions of specified provisions, unless a shared appreciation loan is made pursuant to other provisions of law or is not otherwise unlawful.

This bill would recast the above provision in other language and would declare that it is declaratory of existing law

(3) Existing law provides that state bodies conducting emergency meetings in case of an emergency situation, as defined, need not comply with the 10-day notice requirement, but must provide a one-hour notice by telephone prior to the meeting to the news media which have requested a one-week written notice If telephone services are not functioning, existing law requires notice to the news media, as specified, as soon after the meeting as possible Existing law also requires the state body to post the minutes of the meeting, a list of persons the presiding officer of the state body attempted to notify regarding the meeting, copies of the rollcall vote, and any action taken at the meeting, for a minimum of 10 days in a public place, as soon after the meeting as possible.

This bill would expand the meaning of emergency situation to include action on a loan or grant provided pursuant to specified statutory provisions if a 10-day notice would detrimentally affect the ability to provide or operate low or moderate income housing

or seriously affect the fiscal integrity of the program pursuant to which the loan or grant was made

(4) Existing provisions of the California Environmental Quality Act provide that no person shall have standing to bring an action to attack, review, set aside, void, or annul a finding of a public agency made at a public hearing with respect to the conformity of a development project, subject to specified provisions, to certain mitigation measures, unless the person participated in that hearing by submitting written or oral testimony prior to the close of the hearing.

This bill would recast that provision by specifying that the mitigation measures are those which have been identified in a prior environmental impact report prepared for a prior zoning or planning action.

Ch 1347 (SB 1523) A Garcia Contractors.

Under existing law, the Registrar of Contractors is required to investigate, classify, and qualify applicants for contractors' licenses by written examination.

This bill would specify the type of questions to be included in such examinations.

This bill would incorporate additional changes in Section 7065 of the Business and Professions Code, proposed by AB 3067, to be operative only if AB 3067 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

Ch. 1348 (AB 1018) D Stirling Estates

Under existing law, when a public administrator takes possession of the estate of a decedent, which does not appear to exceed $3,000 in value, the public administrator, without applying to the court for an order, may use the money and proceeds from the sale of personal property of the estate to pay burial expenses and claims against the estate and may deposit any remaining balance in the county treasury.

This bill would provide instead that the public administrator may use such money and proceeds to pay burial expenses, pay other proper claims presented within 4 months after the public administrator takes possession of the estate, and pay over the remaining funds to the heirs or legatees, or if none, deposit the balance in the county treasury

Existing law requires the public administrator and the public guardian to deposit or invest all moneys of an estate in the county treasury, or in an insured bank or savings and loan association

This bill would require the public administrator and public guardian to credit the highest rate of interest or dividends to each estate that would have been received if the funds available for deposit or investment had been individually and separately invested in the insured bank or savings and loan association and would require excess interest or dividends earned by such estates to be deposited in the county general fund in an amount no more than necessary to offset the cost to the general fund of the services of the public administrator and public guardian

Under existing law, a public administrator is entitled to the same commission as an executor or administrator of a decedent's estate, except that a public administrator is not specifically entitled to receive additional compensation for extraordinary services.

This bill would authorize a public administrator to receive additional compensation for extraordinary services, as specified

Ch 1349 (SB 1389) Foran Transportation mass transit guideways

(1) Under existing law, 70% of the funds in the State Highway Account in the State Transportation Fund are required to be allocated by the California Transportation Commission, and to be expended by the Department of Transportation, during the July 1, 1983 to June 30, 1987 period, and each subsequent 4-year period, within counties in the 2 county groups on the basis of a specified formula, except that during the 4-year period beginning July 1, 1983, the commission is authorized to deviate from the formula requirements for the purpose of allocating funds for projects included in the 1980 state transportation improvement program

This bill would instead require the commission to allocate, and the department to expend, those funds for the July 1, 1983 to June 30, 1988 period, and subsequent 5-year periods The commission would be authorized, for a 5-year period beginning July 1, 1983, to deviate from the formula requirements for the purpose of allocating funds for projects included in the 1980 state transportation improvement program The bill would make

related changes

(2) Existing law requires the commission to conduct a study to evaluate alternative geographic areas to be used in determining minimum expenditures of state highway construction funds and to adopt a report of that study and submit it to the Legislature not later than January 31, 1982

This bill would repeal that provision.

(3) The bill would incorporate additional changes in Section 188.8 of the Streets and Highways Code made by AB 1353 if both this bill and AB 1353 are chaptered and this bill is chaptered last.

Ch. 1350 (SB 1294) Petris. Small claims court

Existing law requires the plaintiff and defendant in small claims court to appear in person and prohibits them from being represented by an attorney at law or any other person, unless the person does not speak English in which case the party may be represented by someone other than an attorney.

This bill would modify that provision to provide that a plaintiff incarcerated in a county jail, a Department of Corrections facility, or a Youth Authority facility is entitled to waive personal appearance and submit written declarations to serve as evidence supporting the party's claim, or allow another person other than an attorney to appear on the plaintiff's behalf

Ch 1351 (AB 3155) McAlister Insurance policy loans

Existing law limits the situations in which credit in accounting and financial statements is allowed on account of reinsurance ceded to a nonadmitted insurer or to certain alien insurers. Among other instances, credit is allowed to the extent that the amount of a clean and irrevocable letter of credit is a substitute for advances for claims and unearned premium obligations to be made by a foreign or alien insurer, as specified

This bill would provide that credit in accounting and financial statements is allowed to the extent that the amount of a clean and irrevocable letter of credit is a substitute for advances for claims, unearned premium, and all other policy and contract liabilities and reserve obligations to be made by a foreign or alien insurer, as specified. The above changes would be applicable only with respect to life insurers

Existing law permits domestic incorporated life insurers to make loans upon their own policies

This bill would authorize life insurers to make policy loans which contain a maximum interest rate not to exceed 8% per annum or an adjustable interest rate The bill would specify the manner and frequency with which the interest rate on such a loan may be adjusted and would impose disclosure requirements, as specified. The bill would also require those insurers to establish a written pricing or dividend policy, and would state legislative intent

Ch 1352 (SB 1851) Robbins Insurance

Existing law authorizes excess fund investments by a life insurer in real estate and leases thereof and in the making of improvements thereon for business or residential purposes as an investment for the production of income. Such investments may be made only by life insurers having admitted assets of not less than $25,000,000. AB 3558 of the 1981–82 Regular Session of the Legislature would instead provide that these excess fund investments may be made by any admitted insurer having admitted assets of not less $25,000,000 but that admitted insurers, other than life, title, mortgage and mortgage guaranty insurers, having admitted assets aggregating in value less than $25,000,000 but not less than $10,000,000, may also qualify to make such investments for a period of 12 months with the prior approval of the Insurance Commissioner.

This bill would provide that in any case in which an admitted insurer, other than life, title, mortgage and mortgage guaranty insurer, having admitted assets aggregating in value less than $25,000,000, but not less than $10,000,000, has requested the approval of the commissioner to make the investments which would be authorized by AB 3558, that the insurer shall reimburse the Department of Insurance for all actual expenses, not to exceed $500, incurred by it in making the determination of whether to approve or disapprove that request.

This bill would become effective only if AB 3558 is chaptered and becomes effective

on or before January 1, 1983.

Ch. 1353 (AB 3276) Wright Battery.

Under existing law, a battery is a misdemeanor punishable by a fine not exceeding $1,000 or imprisonment ir the county jail not exceeding 6 months or by both. However, when a battery is committed against specified persons the battery is punishable by a $1,000 fine or by imprisonment in the county jail not exceeding 1 year, or by both When an injury is also inflicted on one of those specified persons, the battery is punishable either as a felony or as a misdemeanor, as specified.

This bill would include a battery against a custodial officer, as defined, within the latter two categories.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill also makes additional changes proposed by AB 253, to be operative only if AB 253 and this bill are both chaptered and become effective on January 1, 1983, and this bill is chaptered after AB 253.

Ch. 1354 (SB 1790) Doolittle. Service of process· costs.

Under existing law, the amount recoverable as a cost, incident to a civil action, for service of process where the process server is a person other than a public officer or employee is within the discretion of the court, except that it may not exceed the amount allowed to a public officer or employee for the same service The court may also permit the recovery of the reasonable and necessary cost of such persons, when effecting service of process proves unusually difficult

This bill would instead authorize all costs reasonably incurred by a registered process server in effecting service, including stakeouts or other reasonable means employed in locating the person to be served, to be allowed as a recoverable cost, as specified

This bill would also authorize a court to award costs reasonably incurred in effecting service, by persons other than a public officer or registered process server, upon application of a party

Ch 1355 (AB 3703) Costa Planning general plans. housing elements

(1) Existing law required each county or city, whether general law or chartered, to bring its housing element into compliance with state law on or before October 1, 1981, and provides that a court's review of the compliance of a housing element with the state law extends to whether the housing element is in reasonable compliance with state law

This bill would require a county or city to bring any action it takes, which is required to be consistent with its general plan, which a court determines is not in compliance with its housing element into compliance with its housing element within a specified period of time.

(2) The bill would incorporate additional changes with respect to Section 65587, of the Government Code, to be operative only if this bill and SB 2011 are both chaptered, and this bill is chaptered last

Ch 1356 (SB 658) Ellis Crimes sexual exploitation of children.

Under existing law, sheriffs and police chief executives are required to make reports to the Attorney General concerning designated crimes The Attorney General may also require reports concerning other crimes

This bill would require the making of such reports concerning the suspected sexual exploitation of children, as defined

Article XIII B of the California Constitution and Section 2231 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This act would take effect immediately as an urgency statute.

Ch 1357 (AB 3257) Konnyu Hazardous wastes disposal

(1) Existing law requires the State Department of Health Services to adopt standards and requirements for hazardous waste facilities, and to issue permits for use and operation of those facilities. Existing law authorizes the department to impose, as a condition of the permit, the requirement that a hazardous waste facility comply with any order of the State Director of Health Services which prohibits a facility operator of a facility which receives hazardous waste from more than one producer from refusing to accept hazardous waste based on geographical origin.

Existing law also prohibits a city, county, or city and county from changing the regulation, as described, of an existing class I disposal site, as specified, unless, after public notice and hearing, the director determines that the operation may present an imminent and substantial danger to health and the environment

This bill would, in addition, prohibit a city, county, or city and county from adopting an ordinance, rule, or regulation, or issuing or amending any permit, which adoption, issuance, or amendment imposes additional restrictions on the types of hazardous waste which previously have been authorized to be accepted by a hazardous waste facility under the terms and conditions of any previously issued conditional use permit.

The bill would not apply to a modification or revocation of a use permit necessary to enforce its terms and conditions, to abate a nuisance, or to prevent an immediate threat to the public health or safety, but that modification or revocation may only occur after the facility operator has been ordered to abate the nuisance or correct the threat, adequate opportunity to do so has been afforded, and the facility operator has failed to comply with the order.

The bill would also not apply to an existing class I disposal site.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1358 (SB 1666) Mills. Property

Existing law provides that the Director of General Services may acquire title to real property in the name of the state, as specified

Existing law also provides that after January 1, 1980, if the above property is to be constructed, purchased, or leased for a period of five years firm term or more, and is situated in a specified metropolitan area which is served by a public transit operator, as defined, and is not located in a public transit corridor, as defined, that the construction, purchase, or lease of the property shall be subject to the determination that the purpose of the facility does not require transit access or that the transit operator will provide services as needed, to effectively serve the community

This bill would provide that the term "any interest" acquired in real property for a period of 5 years firm term or more be added to the above described interests and that the above provisions also shall apply to state agencies effective January 1, 1983

Existing law does not require state agencies that review, enforce, and administer variances or appeals procedures to consult with the State Historical Building Code Advisory Board prior to undertaking action or making decisions which affect historical

buildings

This bill would require all state agencies which review, enforce and administer variances or appeals procedures affecting the preservation of the historical aspects of historical buildings to consult with the board, as prescribed, and to consider the alternative provisions of the State Historical Building Code prior to undertaking action or making decisions on variances or appeals which affect those buildings.

Existing law permits the construction, purchase, or lease by counties and cities of buildings at locations outside public transit corridors if findings are made that the purpose of the facility does not require transit access or the transit operator will provide service as needed to effectively serve the facility

This bill would specify that the determination that the purpose of the facility does not require transit access shall not be made if the facility employs more than 200 people or directly serves the public.

Ch. 1359 (AB 1864) Campbell Schools· classes for prisoners.

Existing law authorizes the board of supervisors of a county to direct the county superintendent of schools to establish and maintain schools or classes for prisoners.

Existing law prescribes a method of determining an amount allowed to each county superintendent of schools maintaining those schools or classes.

This bill would revise the method of determining the amount allowed to each county superintendent of schools who maintained schools or classes for prisoners in the 1981–82 fiscal year by, among other things, providing for an amount based on the statewide average adult education block entitlements prescribed by law for school districts. The bill would limit the increase in the amount allowed in the 1982–83 fiscal year

This bill would require the Superintendent of Public Instruction, in the 1982–83 fiscal year, to direct the Controller to transfer the sum of $140,000 from the amount appropriated in the Budget Act for the purpose of adult education block entitlements, to Section A of the State School Fund for the purposes of schools or classes for prisoners

Ch 1360 (AB 2888) N. Waters Water agencies.

(1) Under existing law, sanitary districts formed under the Sanitary District Act of 1923 are authorized, among other things, to acquire and operate water reclamation and distibution systems, subject to the consent of any other local agency which provides water service to any territory in the district.

This bill would authorize the Winton Sanitary District, for the purpose of furnishing water in the district for any present or future beneficial use, to exercise any of the powers of a county water district under the County Water District Law The bill would make legislative findings and declarations in this connection.

(2) Under existing law, the Chowchilla Water District, the La Branza Water District, and the Tea Pot Dome Water District are authorized, pursuant to specified provisions, to construct, maintain, and operate plants for the generation of hydroelectric power and transmission lines for the conveyance thereof, in a manner consistent with the district's storage, transmission, and distribution of irrigation water.

This bill would include the Rock Creek Water District within these provisions and would make related legislative findings and declarations.

(3) Under existing law, the Central Delta Water Agency, located in the Sacramento-San Joaquin Delta, is empowered to negotiate, enter into, execute, amend, administer, perform, and enforce specified agreements with the United States and the State of California for specified purposes Existing law limits the assessment for general agency purposes to not to exceed $1 per $100 for assessed value and limits the amount of revenue which may be raised annually by assessment for general agency purposes to $100,000, and provides for the termination of the agency unless a contract for these specified purposes is entered into and executed on or before December 31, 1983

This bill would delete the provisions terminating the existence of the agency if a contract is not entered into and executed by that date. The bill would increase the maximum amount of revenue which may be so raised to $250,000 and delete the limitation on the rate of assessment The bill would also generally authorize the agency to undertake activities to assist landowners and local districts within the agency in reclamation and flood control matters.

(4) Under existing law, the Sacramento County Water Agency is generally authorized

to adopt and carry out any plan or system of works, but is precluded from carrying out any work or improvement designed or intended primarily for the production, conservation, transmittal, and sale of ground and surface waters

This bill would delete that restriction, would authorize the agency, subject to specified conditions, to establish fees and charges for facilities furnished for the production, conservation, transmittal, and sale of ground and surface waters at wholesale, and would make related changes

(5) Under existing law, the agency is authorized to levy taxes and assessments for specified purposes in accordance with prescribed procedures and conditions, but these provisions are not applicable to any work or improvement designed or intended primarily for the production, conservation, transmittal, distribution, and sale of ground and surface waters

This bill would make that restriction applicable to those geographical areas served by a water district, mutual water company, or public utility unless pursuant to a written agreement between the agency and the district, mutual water company, or public utility.

Ch. 1361 (AB 3237) Alatorre. Certificated employees credential.

(1) Existing law requires the Commission for Teacher Preparation and Licensing to revoke or suspend the credentials of a certificated employee for specified reasons and in conformance with specified procedures Under existing law, the Committee of Credentials conducts meetings or hearings to consider the denial, suspension, or revocation of a credential. Existing law requires the committee to order the investigation of allegations to be discontinued if probable cause for adverse action is not found, or if a meeting or hearing on the allegations is not commenced within one year of the date of notification of the original allegations to the employee

This bill would require the investigation to be commenced within 30 days after all allegations of misconduct have been filed with the committee, and would specify that within one year thereafter, the committee shall make a determination either that no adverse action shall be taken, that the allegations are sufficient to cause his or her application or credential to be denied, suspended, or revoked, or that the allegations are sufficient to cause him or her to be privately admonished

(2) Existing law specifies that the minimum requirements for the designated subjects teaching credentials to be issued by the Commission for Teacher Preparation and Licensing shall be adequate, successful, and recent experience in the technical skill, trade or vocation named in the credential with a minimum equivalent to 5 years' experience, a program of personalized in-service training to provide preparation as approved by the commission, and possession of a high school diploma or the passage of an equivalency examination as designated by the commission.

This bill would repeal the provisions of existing law, and would specify the minimum requirements for the designated subjects preliminary vocational education teaching credential, the designated subjects preliminary adult education teaching credential, the designated subjects special subjects teaching credential, and the designated subjects supervision and coordination credential This bill would specify the minimum requirements for the 5-year renewal of the preliminary designated subjects vocational education teaching credential and the preliminary designated subjects adult education teaching credential

This bill would require the commission to establish minimum requirements for the issuance and renewal of the designated subjects teaching credentials for part-time service, as specified

Ch 1362 (AB 1525) Frazee Public contracts

Existing law specifies monetary limits on the cost of changes which may be ordered by a local agency without a hearing on work being performed under contract for the local agency pursuant to the Improvement Act of 1911

This bill would increase the specified monetary limits on the cost of changes which may be ordered without a hearing.

Ch. 1363 (SB 1280) Boatwright County Employees Retirement Law of 1937. benefits

(1) The County Employees Retirement Law of 1937 presently authorizes counties to elect to annually increase benefits under alternative provisions.

This bill would authorize counties to elect to be subject to another alternative annual increase provision and, under existing law, the matter would thus become subject to employer-employee provisions

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 1364 (AB 707) McAlister. Enforcement of judgments.

Existing law contains an extensive and comprehensive statutory scheme relative to the enforcement of judgments in civil actions, including specific provisions on execution of judgments, proceedings supplemental to execution, the Employees' Earnings Protection Law, and the sale of a franchise under execution.

This bill would repeal the above provisions and, instead, would enact a new comprehensive statute governing the enforcement of judgments. This bill would continue many of the existing provisions and features of existing law, but would also enact numerous changes. The provisions of existing law affected by this bill include provisions affecting the following areas.

(a) THE PERIOD FOR THE ENFORCEMENT AND RENEWAL OF JUDGMENTS. This bill would retain the existing rule that a judgment may be enforced for a 10-year period, but would delete the provision for excluding the time a judgment is stayed or enjoined, and would provide for multiple renewals of the 10-year period by filing an application therefor, as specified, as an alternative to extending the 10-year period by bringing an action upon the judgment.

(b) COSTS OF ENFORCEMENT OF JUDGMENTS. This bill would reorganize the existing provisions and, in addition, would enable a judgment creditor to collect interest on costs that have been incurred and added to the judgment by memorandum or motion

(c) INTEREST ON JUDGMENTS The California Constitution establishes the rate of interest on judgments at 7%, but authorizes the Legislature to increase that rate to not more than 10% Chapter 150 of the Statutes of 1982, effective January 1, 1983, increases the interest rate to 10% per annum This bill, upon its operative date of July 1, 1983, would continue the interest rate on a money judgment at 10% but would recast in other language the residual authority of the Legislature to change the rate of interest. Existing law provides that interest on a judgment accrues only to the date of levy if the judgment is satisfied in full pursuant to a levy under writ of execution. This bill would retain existing law where the proceeds of collection are paid in a lump sum, but would provide that in other cases interest ceases to accrue on the judgment on the date the proceeds of sale or collection are actually received by the levying officer

(d) SERVICE OF WRITS, NOTICES, AND OTHER PAPERS Existing law contains numerous specific statutes concerning the permissible manner of serving writs, notices, and other papers Certain existing statutes permit service by ordinary mail, others require certified or registered mail, and others permit personal delivery. This bill would provide, generally, for the service to be accomplished by personal delivery or by first-class mail, would require service to be made upon the attorney for the judgment creditor, rather than upon the judgment creditor, unless the judgment creditor does not have an attorney; and would permit the judgment debtor to elect to have his or her attorney served instead of himself or herself

(e) FORMS Under existing law, the Judicial Council has devised and approved forms for a writ of execution generally and for a writ of execution against a dwelling house

This bill would create the forms for various writs of execution or possession or for sale, but gives the Judicial Council authority to supersede and supplement these forms.

(f) EXECUTION. Existing law contains detailed procedures regarding the issuance and return of a writ of execution, the manner of levy under a writ of execution, and the use of process servers in the levying of property, levying on property subject to a security interest, the release of property levied upon, execution sale procedures, distribution of proceeds of execution sale, and the redemption of real property upon execution sale. This bill would make numerous substantive and technical changes regarding these matters

(g) EXEMPTIONS. Existing law provides that certain designated property of a judgment debtor is exempt from enforcement of a money judgment. Among the specific exemptions that would be affected by this bill are the following:

(1) The existing exemption for a motor vehicle is limited to one with a value not exceeding $500 over all liens and encumbrances. This bill would extend the exemption to apply to the aggregate equity in one or more vehicles, would increase the exemption to $1,200, and would extend the existing exemption for proceeds of an execution sale to include insurance proceeds.

(2) The exemption for household furnishings, appliances, and wearing apparel presently applies only to such items that are "reasonably necessary to, and personally used by the debtor and his resident family." This bill would add a provision that the court shall take into account both (a) the extent to which a particular type of item is ordinarily found in a household and (b) whether the particular item has an extraordinary value as compared to the value of items of the same type found in other households. The bill also would add a new separate exemption of $2,500 for jewelry, heirlooms, and works of art

(3) The existing exemption for prosthetic and orthopedic appliances would be expanded to include health aids reasonably necessary to enable the judgment debtor or the spouse or dependents of the judgment debtor to work or sustain health.

(4) The existing exemption of $2,500 for tools of the trade would be allowed to each spouse if each is engaged in a separate trade, business, or profession and would be increased to $5,000 if both spouses are engaged in the same trade, business, or profession. In addition, the exemption would be extended to proceeds of an execution sale or insurance proceeds of a tool of the trade for a period of 90 days after the proceeds are received. A motor vehicle would not be exempt as a tool of the trade if there is a motor vehicle exempt under the separate motor vehicle exemption that is reasonably adequate for use in the trade, business, or profession.

(5) The existing exemption for a savings and loan association account ($1,000) and for a credit union account ($1,500) would be replaced by different provisions exempting otherwise exempt proceeds in specified amounts deposited in an account in any type of financial institution and exempting paid earnings so deposited.

(6) A new exemption would be provided for earnings paid to an employee during the 30-day period ending on the date of levy. All such paid earnings would be exempt if the earnings had been subjected to wage garnishment and 75% of the paid earnings would be exempt if they had not been subjected to wage garnishment

(7) The existing exemption relative to life insurance is for the benefits or proceeds resulting from payment of an annual premium of $500 This bill, instead, would provide for an exemption for the aggregate loan value of unmatured life insurance policies of $4,000, and would provide for an exemption of benefits from a matured policy in an amount reasonably necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor.

(8) The existing exemption for disability and health benefits extends to benefits which derive from a $500 annual premium. This bill, instead, would provide a total exemption for all benefits except as otherwise specified

(9) This bill would create new exemptions, including an exemption for damages for personal injury or wrongful death to the extent reasonably necessary for support or, if paid in installments, to the same extent as earnings of an employee, and an exemption for strike benefits paid by a union.

(10) Existing law provides 3 separate exemption statutes for housing, namely, the declared homestead, the dwelling house exemption from execution, and the exemption from execution for a mobilehome or vessel. This bill would make numerous procedural

revisions

This bill also would make numerous changes in the general procedure governing the claim and determination of exemptions

(11) This bill also would require that if a judgment debtor is a natural person, a copy of a form containing a list of each of the federal and state exemptions from enforcement of a money judgment against a natural person and a citation to the relevant statute which creates each exemption. The Judicial Council would be required to prepare the form

(h) ENFORCEMENT LIENS Existing law provides for a judgment lien on real property This bill would expand the lien to reach estates for years and equitable and contingent interests in real property

Existing law provides no judgment lien on personal property This bill would provide for a judgment lien on certain types of business property

The bill also would recognize by statute other types of liens arising out of the enforcement process and clarify the priorities afforded to various types of enforcement liens.

(i) This bill also makes numerous changes to existing law relative to enforcement of nonmoney judgments, third-party claims to property levied upon, and satisfaction of judgment and extends the existing third-party claims procedure to include claims with respect to real property

This bill would become operative July 1, 1983, and would apply to any proceeding commenced prior thereto except upon a specified determination by a court that prior law should apply

(j) This bill also would expand the authority of registered process servers in designated circumstances.

Numerous conforming and corresponding changes, to facilitate full implementation of this bill are contained in AB 798.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would make certain conforming changes, contingent upon the enactment of SB 1790, as specified

This bill would make nonsubstantive changes to certain provisions of Chapter 327 of the Statutes of 1982, to incorporate with those provisions nonsubstantive changes proposed by Chapter 497 of the Statutes of 1982

Ch 1365 (AB 1588) Imbrecht Industrial Welfare Commission hours and days of work

Existing law requires the Industrial Welfare Commission to fix the minimum wage, maximum hours, and standard conditions of labor for any occupation, trade, or industry in this state.

This bill would provide that no employer who continuously operates a manufacturing facility 24 hours a day for 7 days a week, and who has had in operation an established preexisting workweek arrangement, as defined, shall be in violation of any provison of the Labor Code or any wage order of the commission by instituting, pursuant to an agreement between the employer and at least ⅔ of the affected employees, a regularly scheduled workweek which includes 3 working days of 12 hours each, or regularly scheduled workweeks which include 3 working days of 12 hours each one week and 4 working days of 12 hours each the following week, for an average workweek of 42 hours over a 2-week period The agreement would have to be voted for by ⅔ of the affected employees every 3 years, and could be rescinded at any time by a ⅔ vote of the affected employees

The employer would not be required to pay premium wage rates to employees working these schedules unless the employee is required or permitted to work more than 12 hours in any workday, more than the scheduled 3 or 4 days in any workweek, or more than 40 hours in any workweek No employee working these schedules would be required to work more than 4 consecutive days within 7 consecutive days

This bill would not apply to any employer who is now, or in the future becomes, a party

to a collective-bargaining agreement covering employees who would otherwise be covered by the bill.

Ch. 1366 (AB 3193) Cortese Property tax enforceable restrictions.

Under existing law, where a contract, agreement, scenic restriction, or open-space easement is not renewed or is canceled, the land is revalued for property tax purposes.

This bill would make technical revisions in the valuation formula

Existing law permits a city or county to assess certain enforceably restricted lands at a lower value than that determined pursuant to Section 110.1 of the Revenue and Taxation Code, adjusted to reflect the percentage change in the cost of living not to exceed 2% per year, as specified It requires that a city or county make that election to assess restricted land at a lower value under those provisions by December 31, 1982.

This bill would make various changes in the method of making those assessments and further, would delete the requirement that such election be made by December 31, 1982.

Ch. 1367 (AB 2508) Moorhead. Surplus residential property.

Existing law requires state agencies to dispose of surplus residential property, as defined, in accordance with specified priorities and procedures It also declares, among other things, that the displacement of small numbers of persons as a result of the sale of surplus state property creates a significant environmental effect within the meaning of Article XIX of the California Constitution which will be mitigated by the sale of surplus residential property in accordance with the specified priorities and procedures.

This bill would limit the application of the provisions requiring the disposal of surplus residential property in accordance with specified priorities and procedures to surplus residential properties which were acquired for a state project for which at least 20 dwelling units were acquired and owned by the state on January 1, 1980, or on the date the properties were declared to be surplus, whichever date occurs later. It would also delete the above legislative declaration.

Ch 1368 (SB 61) Garamendi Taxation

Under existing law, special rules are specified for determining the taxable year or income year in which certain income is included for purposes of the Personal Income Tax Law and the Bank and Corporation Tax Law, including income derived from an installment sale

This bill would make the special rules for reporting income which are applicable to installment sales available to any taxpayer disposing of property as a result of an exercise of the power of requisition or condemnation, if the taxpayer and the acquiring entity have contracted, as specified, for the payment of acquisition compensation in a manner which satisfies the requirements of an installment sale.

Existing law does not expressly authorize governmental entities acquiring property under the Property Acquisition Law or the Eminent Domain Law to contract with owners of property regarding the method of payment of compensation

This bill would authorize those acquiring entities, at the request of the owner, to contract regarding the manner of payment of compensation.

This bill would permit the contract to provide for the payment of compensation over a period not to exceed 10 years and for the payment of interest in connection therewith not to exceed a specified rate

Ch 1369 (SB 1346) Presley Solid waste

(1) Under existing law, the State Solid Waste Management Board is required to adopt performance standards for solid waste disposal sites as an alternative to the state minimum standards requiring periodic cover of these sites. The enforcement agency for solid waste control may elect to apply either the performance standards or the state minimum standards to solid waste disposal sites within its jurisdiction. These provisions would be repealed on January 1, 1983

This bill would limit the application of these provisions to those solid waste disposal sites for which, as of January 1, 1983, the enforcement agency has elected to apply the performance standards. The bill would extend the date of the repeal of these provisions to January 1, 1984, and delete an obsolete provision

(2) Under existing law, an enforcement agency for solid waste control is required to be designated, as specified, and if not so designated, the board becomes the enforcement agency until an enforcement agency is designated The enforcement agency is authorized to prescribe and collect fees or other charges from each operator of a solid waste facility or from any person who conducts solid waste handling, as defined The fees are required to be commensurate with the costs of administering the program.

This bill would, instead, limit the fee or other charge imposed by the enforcement agency to the actual cost of the solid waste enforcement, as specified.

The bill would require approval by the board before the designated enforcement agency may exercise the powers and duties of an enforcement agency and would require the board to make that approval unless it makes specified findings

(3) Under existing law, the board is required to obtain the recommendations of the State Department of Health Services regarding the proposed designation of the enforcement agency and its enforcement program.

This bill would require the board to consider that recommendation in approving the designation and accepting the enforcement program The bill would also require the board to periodically review the enforcement agency and the implementation of the enforcement program and would require the board to notify the enforcement agency of the reasons for its findings and of its intent to withdraw approval of the designation if the corrective action specified by the board is not taken within the time specified by the board, not to be less than 30 days. If the board withdraws its approval, the bill would require another enforcement agency to be designated within 90 days, or the board would become the enforcement agency until a successor is approved, as specified.

(4) Under existing law, the enforcement agency issues solid waste facility permits and may suspend, modify, or revoke those permits after a hearing for specified causes.

This bill would add failure to fulfill the terms of a specified compliance schedule to the reasons for permit sanctions

The bill would require the board to maintain an inventory of solid waste facilities which violate specified standards, to inspect at least 50% of the permitted solid waste facilities that receive more than 100 tons of solid waste per day and at least 25% of the other permitted solid waste facilities every 2 years. The bill would require enforcement agencies, in cooperation with the board, to investigate illegal, abandoned, or closed disposal sites The board would be required to make inspections or investigations only if the funding for the inspections or investigations in any fiscal year is specifically appropriated for those purposes by the Legislature.

The bill would require, until January 1, 1989, the enforcement agency to develop a specified compliance schedule for solid waste facilities which violate specified standards to assure that diligent progress will be made to bring the solid waste facility into compliance within one year or, if not then in compliance, to revoke the operating permit

The bill would, with respect to a closed or abandoned disposal site not in compliance within the one-year period, make the unremedied condition prima facie evidence of negligence and impose on the property owner, in any action for damages against him or her for injury caused by the condition, the burden of proving that the injury was not caused by the condition

The bill would authorize, until January 1, 1989, the enforcement agency to recover its costs for compliance enforcement by charging a specified fee.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1370 (AB 3051) Kapiloff Medi-Cal: temporo mandibular joint syndrome.

Existing law provides for the Medi-Cal program, under which health care services are provided to low-income and indigent persons. Under the Medi-Cal program, provision is not made for coverage of treatment for temporo mandibular joint syndrome.

This bill would provide for a pilot project in San Diego County, under which 50 Medi-Cal recipients with medical problems potentially treatable by treatment for tem-

poro mandibular joint syndrome, would be selected by an advisory board.

The bill would provide that ½ of these persons would be treated under conventional methods, with the other ½ treated through nonsurgical treatment for temporo mandibular joint syndrome.

The bill would also provide for means by which an advisory board would be selected.

The bill would provide that no later than July 1, 1985, the advisory board shall submit a report to the Legislature and the State Department of Health Services on the efficacy of this pilot project, concentrating upon the effectiveness of the treatment of the group receiving temporo mandibular joint syndrome treatment, in comparison with the group receiving treatment through conventional means. The report would also evaluate the comparative cost of the 2 types of treatment

The bill would specify that any increased costs created due to the provision of the act would be funded through the Budget Act appropriation for the Medi-Cal program.

The provisions of the bill would remain in effect until July 1, 1985.

Ch 1371 (AB 1428) Elder. Nonemergency medical transportation services.

Existing law requires prior authorization for nonemergency medical transportation services.

The bill would further provide that no prior authorization shall be necessary for the provision of nonemergency medical transportation services to a Medi-Cal beneficiary when the beneficiary is being transported from an acute care hospital, subsequent to receiving inpatient hospital services, to a skilled nursing or intermediate care facility, as defined.

Ch 1372 (AB 3084) Elder Medi-Cal nonemergency medical transportation services

Existing law provides for the Medi-Cal program, under which the state reimburses health care providers for giving various health services, including nonemergency medical transportation services where prior authorization has been obtained, for providing services to low-income and indigent recipients

This bill would provide that where conditional prior authorization by telephone is obtained for nonemergency medical transportation services, as specified, a written request for these services shall not be denied by the Medi-Cal field office when the written treatment authorization request subsequently submitted by the provider substantiates the medical information given with the earlier verbal request, so long as the beneficiary was eligible to receive the services

Ch 1373 (SB 949) Mello Health and Welfare Agency. Public social services.

Various statutes govern the various contracts made by the state departments within the Health and Welfare Agency.

This bill would· state legislative intent regarding the resolution of problems arising out of contractual relationships with private, nonprofit human services organizations; provide for an administrative appeal process, as specified, make the Office of Administrative Hearings the appeal authority, require it to adopt regulations, as specified, to render proposed decisions about the matter in dispute and to provide flexibility, as specified

The bill would specify circumstances under which appeals may be taken pursuant to the appeals process

This bill would also express legislative intent that funding for the costs of implementing the provisions of this bill relating to contracts with human service organizations should be provided through the budgetary process

Ch 1374 (SB 1823) Greene Unemployment insurance: retraining benefits

(1) Under a demonstration project authorized in existing law, until January 1, 1985, an individual is eligible to receive unemployment compensation benefits during a period of training if, among other things, the individual is unemployed because work opportunities in the individual's job classification are impaired by advancement in technological improvements, the effects of automation and relocation in the economy, and foreign competition

This bill would provide instead that an individual is eligible for these benefits if the individual is unemployed and unlikely to return to his or her most recent workplace

because work opportunities in the individual's job classification are impaired by the circumstances specified above or by a plant closure or a substantial reduction in employment at the individual's most recent workplace.

(2) The bill would establish in state government a 6-member California Economic Adjustment Team consisting of the directors of 4 specified state agencies, the State Superintendent of Public Instruction, and the Chancellor of the California Community Colleges The team would be required to alleviate adverse conditions that might cause plant closures, assist local efforts to secure alternative employment and retraining opportunities for displaced workers, collect data, prepare analyses, make recommendations to the Governor and the Legislature, and carry out other specified duties

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

Ch 1375 (AB 1387) Bates Environmental quality: housing projects

(1) The California Environmental Quality Act generally requires the preparation of an environmental impact report or a negative declaration for a project which may have a significant effect on the environment The act also requires the Office of Planning and Research to develop guidelines for implementation of the act, and requires the guidelines to include among the criteria for finding that a project may have a significant effect on the environment, that the environmental effects will cause substantial effects on human beings, either directly or indirectly

This bill would prohibit a public agency, with respect to a project which includes housing development, from reducing the number of housing units proposed in the project as a mitigation measure or project alternative under the act if the agency determines that there is another feasible specific mitigation measure, as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that, notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1376 (AB 298) Berman Release of defendants

(1) Existing provisions for the posting of a 10% deposit are inapplicable to, among others, persons subject to an outstanding warrant except upon order of a court or magistrate

This bill would make the provisions inapplicable instead to a defendant in a proceeding if a warrant has been issued as specified in such proceeding except by order of a court or magistrate The bill would also make the provisions inapplicable if a defendant or arrestee fails to provide satisfactory identification, except by order of a court or magistrate. The court or magistrate would be required to state on the warrant of arrest whether, when arrested, the defendant is entitled to release on a 10% deposit or only upon posting of the full amount of bail. The bill would declare that it would not affect existing authority of law enforcement to detain an arrestee for the purposes of determining whether any wants, warrants or holds are outstanding.

(2) Existing law provides for the application of a deposit to the payment of a fine if

the defendant consents and has not assigned the money.

This bill would delete the requirement of consent and the requirement that the money not have been previously assigned.

(3) Provisions of law which were operative prior to January 1, 1981, authorized a court to order a defendant, released on his or her own recognizance, to give bail or other security or to be arrested under specified conditions

This bill would reinstate these provisions

(4) The bill would remain effective until December 31, 1985

(5) The bill would take effect immediately as an urgency statute

Ch 1377 (AB 2827) Hughes Housing home equity protection.

(1) The Improvement Act of 1911 authorizes real property to be sold for nonpayment of delinquent improvement bonds issued under the act.

This bill would authorize qualified homeowners, as defined, to present claims until December 31, 1984, to the State Board of Control for reimbursement of equities lost in single-family owner-occupied residential dwellings as the result of a sale under the Improvement Act of 1911 between January 1, 1969, and January 1, 1979. The board would be required to prescribe the application form It would be required, after notice and hearing, to approve a claim if it determines, by a preponderance of the evidence, that the claimant is a qualified homeowner. The payment for a claim could not exceed $20,000. The qualified homeowner, after entering into a grant agreement with the board, would be permitted to use the financial assistance only for legal costs to recover the property if recovery is otherwise authorized by law, for a downpayment for a new home, or for rental assistance The board would be authorized to award attorney's fees not to exceed 10% of the amount of the claim approved, but the attorney would be prohibited from receiving any other compensation for services in connection with the claim.

(2) Under existing law, all money in the Rental Housing Construction Fund is continuously appropriated to the Department of Housing and Community Development for specified purposes

This bill would create the State Home Retention Account in the Rental Housing Construction Fund and would provide that $300,000 of the money from the fund utilized for development costs be transferred to and deposited in the account Moneys in the account would be continuously appropriated to the department for payment until June 30, 1985, of claims approved by the State Board of Control The bill would state the priorities for allocation of moneys in the fund if SB 1763 or 1829, or both, are chaptered.

(3) The above provisions would remain in effect until January 1, 1986, unless a later enacted statute, which is chaptered before that date, extends or deletes that date.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) The bill would take effect immediately as an urgency statute

Ch 1378 (AB 656) Martinez Victims of crimes

Existing law provides for financial assistance to victims of a crime of violence who, as a direct result of the crime, suffer pecuniary loss which they are unable to recoup without suffering serious financial hardship.

This bill would delete the requirement that the pecuniary loss suffered be one which the victims are unable to recoup without suffering serious financial hardship

This bill would take effect immediately as an urgency statute

Ch 1379 (SB 940) O'Keefe Harmful matter

Existing law prohibits the distribution of harmful matter to minors Harmful matter is defined as matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i e., a shameful or

morbid interest in nudity, sex, or excretion, and is matter which, taken as a whole, goes substantially beyond customary limits of candor in description or representation of such matters, and is matter which taken as a whole is utterly without redeeming social importance.

This bill would define harmful matter as matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex. or excretion, and is patently offensive to the prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and is utterly without redeeming social importance for minors

Ch 1380 (AB 2987) Cramer Weights and measures

(1) Under existing law, it is a misdemeanor, punishable by a fine of $25 to $1,000, by imprisonment in the county jail for up to one year, or by both, for any person to compute, at the time of sale of a commodity, a value which is not a true extension of a price per unit which at that time is advertised, posted, or quoted if, among other possible acts, either the defendant has been convicted of 2 or more violations of this offense within the 24-month period immediately preceding the third offense and the prior convictions are admitted by the defendant or alleged in the accusatory pleading, or if the violation is intentional or grossly negligent.

This bill would reduce the 24-month period between the first 2 offenses and the third offense to 12 months and require that the court or issuing agency have notified the employer in writing upon a second conviction that any subsequent violation of this offense is a misdemeanor

The bill would also make a violation of the above-stated offense a misdemeanor if it is committed willfully rather than intentionally. Similar modifications would be made to related infraction provisions.

(2) Under existing law, it is a misdemeanor for any person to sell any commodity in less quantity than he or she represents it to be.

This bill would specify that, for commodities prepackaged and sold or offered for sale on the same premises, a violation of the above-stated offense is a misdemeanor, as prescribed, if the violation is willful, if the total value of the shortage, as prescribed, exceeds $2, if the total monetary value of shortages, as prescribed, exceeds $10, or if the defendant has been convicted of 2 or more violations of this offense within the 12-month period immediately preceding the third offense, as prescribed Lesser and related violations of the above-stated offense would be an infraction

(3) Existing law authorizes a county board of supervisors to authorize a county sealer to establish a schedule of fees to cover the cost of testing and certifying noncommercial weights and measures. The sealer is required to inspect, try, and test all weights and measures used for commercial purposes, as defined, but there is no specific authorization for assessing any fees to recover the costs incurred in performing these commercial tests and certifications

This bill would, until January 1, 1986, authorize a board of supervisors, under a specified procedure, to charge an annual device registration fee to recover the costs of inspecting or testing weighing and measuring devices required to be tested by the county sealer. These fees could not exceed various specifications contained in the bill. Retail scales used primarily for the purpose of weighing feed and seed and gasoline pump meters would be exempt from the fees

(4) Under existing law, the Director of Food and Agriculture has the responsibility for enforcing state law relating to weights and measures, including the licensing of public weighmasters.

This bill would delete the provisions requiring that a public weighmaster have a surety bond filed with the director, and make related conforming changes

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1381 (SB 2038) Schmitz. County Employees Retirement Law of 1937: benefits.

The County Employees Retirement Law of 1937 presently contains alternative benefits provisions that may be selected by each county

This bill would permit counties of the 10th class to adopt by resolution another alternative retirement plan, as specified, which would supersede any conflicting statute and, under existing law, the matter would become subject to employer-employee provisions

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1382 (AB 3332) Frizzelle State employees: civil service examinations.

(1) Under existing law, state civil service examinations are designed, announced, and administered by the State Personnel Board

This bill would permit the State Personnel Board to designate a hiring state agency to design, announce, or administer examinations The hiring state agency would be authorized to contract with the State Personnel Board or another hiring state agency for purposes of designing, publicizing, or administering examinations. The board would be authorized to audit examinations, order corrective action, and nullify improper examinations.

(2) Existing law authorizes the State Personnel Board to prescribe conditions under which eligibility for promotion within state employment may be transferred from one promotional list to another promotional list when the lists are for the same class of employment and have been established as a result of the same examination.

This bill would authorize the board to permit this transfer of eligibility when the lists are for the same class of employment and have been established as a result of a similar examination.

(3) This bill would incorporate additional changes in Section 18950 of the Government Code proposed by AB 3338 to be operative only if AB 3338 and this bill are both chaptered and become effective on January 1, 1983, and this bill is chaptered last.

This bill would also incorporate additional changes in Sections 18941 and 19822.5 of the Government Code proposed by SB 1636 to be operative only if SB 1636 and this bill are both chaptered and become effective on January 1, 1983.

Ch. 1383 (SB 1456) Davis. Actions and proceedings: attorney's fees

Existing law provides that a court may award attorney's fees to a person who prevails on a claim for implied indemnity if the court finds that all of certain specified circumstances exist. One of the required circumstances is that the trier of fact determined that the indemnitee was without fault in the principal case which is the basis for the action in indemnity.

This bill would allow a finding that the indemnitee had a final judgment entered in his or her favor granting summary judgment, nonsuit, or directed verdict as an alternative to the above required finding.

Ch. 1384 (AB 837) Rosenthal. Occupational safety and health· employee discharge.

Existing law prohibits laying off or discharging an employee for refusing to perform work in the performance of which the Labor Code would be violated, if the violation would create a hazard to employees. Section 6400 of the Labor Code requires employers to furnish employees with a safe and healthful place of employment.

This bill would make the prohibition expressly applicable to violations of Section 6400 of the Labor Code.

Ch. 1385 (AB 213) Lockyer. Unemployment insurance: benefits.

Under a demonstration project authorized by existing law, until January 1, 1985, an unemployed individual who is otherwise eligible for retraining benefits under the demonstration project is eligible for additional weeks of unemployment compensation benefits if the individual has been laid off from work as a result of a plant closure or substantial reduction in employment at the individual's most recent workplace, or the individual

is currently receiving unemployment compensation benefits, and the individual applies by a specified date The extended benefits are not payable after July 1, 1983

This bill would make changes relating to eligibility for the extended benefits and would provide that provisions of the bill shall remain in effect only until a total of $8,000,000 is expended from the Unemployment Fund pursuant to the bill or until July 1, 1984, whichever date occurs first.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute

Ch. 1386 (AB 2583) Rosenthal Identification.

Existing law prohibits knowingly giving false information to a peace officer performing Vehicle Code duties, use of a false identification card, and resisting or obstructing a public officer.

This bill would prohibit falsely representing oneself as another or as a fictitious person to a police officer, as specified, upon a lawful detention or arrest to evade the process of the court or to evade the proper identification of that person by the investigating officer.

Existing law provides for release from custody upon posting a 10% bail deposit in specified cases These provisions are effective until December 31, 1985

These provisions for the posting of a 10% deposit are inapplicable to, among others, persons subject to an outstanding warrant except upon order of a court or magistrate

This bill would make the provisions inapplicable instead to a defendant in a proceeding if a warrant has been issued as specified in such proceeding except by order of a court or magistrate The bill would also make the provisions inapplicable if a defendant or arrestee fails to provide satisfactory identification, except by order of a court or magistrate. The court or magistrate would be required to state on the warrant of arrest whether, when arrested, the defendant is entitled to release on a 10% deposit or only upon posting of the full amount of bail. The bill would delete the December 31, 1985 termination date for these provisions

This bill, as also provided in Chapter 145 of the Statutes of 1982, would declare that it was the intention of the Legislature in enacting the provisions relative to release on 10% bail that they shall not apply to felonies and that is presently the intention of the Legislature.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1387 (AB 2297) Statham. Schools Field Act. Modoc Joint Unified School District: Fall River Joint Unified School District:

(1) Existing law requires that school districts which reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and which received 39% or more of their total revenue limits from local property taxes in that fiscal year receive advance apportionments from the state in a specified manner

This bill would require that school districts which reported less than 5,000 units of average daily attendance in the 1979–80 fiscal year and which received 75% or more of their total revenue limits from local property taxes in that fiscal year receive larger advance apportionments from the state, as specified

(2) Under existing law, school districts are required to have certain buildings exam-

ined for safety for school use, and are required to repair, reconstruct, or replace unsafe buildings. These provisions are known as the Field Act

This bill would authorize the governing board of the Modoc Joint Unified School District to use a specified building until June 30, 1985, or until completion of a replacement facility, whichever occurs first, for continuation high school purposes

This bill would authorize the governing board of the Fall River Joint Unified School District to use specified classrooms and a principal's office until June 30, 1985, or until completion of replacement facilities, whichever occurs earlier.

This bill would exempt the structures from the provisions of the Field Act during the period of use authorized by this bill

(3) Existing law prescribes a method of determining state apportionments to school districts including a determination of district revenue limits per unit of average daily attendance for the 1982–83 fiscal year and each fiscal year thereafter

The Budget Act of 1982 imposes a limitation upon the revenue limit increases for the 1982–83 fiscal year.

This bill would except the Sunol Glen Elementary School District from that limitation.

This bill would state the legislative intent to make changes in state apportionments to the Sunol Glen Elementary School District in the 1982–83 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year.

Ch. 1388 (AB 3253) Hart. Schools. proficiency standards

(1) Existing law specifies the duties, powers, and responsibilities of county superintendents of schools.

This bill would authorize any county superintendent of schools to apply to the State Board of Education to establish a pilot project to assist selected school districts to recruit and select administrative personnel. This bill would require that the pilot project be funded annually in the Budget Act

(2) Under existing law, the governing board of each district maintaining a junior or senior high school is required to offer summer school instructional programs for pupils enrolled in grades 7 to 12, inclusive, who were assessed as not meeting the district's adopted standards of proficiency in basic skills, as specified.

This bill would specify that this requirement is applicable to the governing board of each district maintaining any or all of grades 7 to 12, inclusive.

(3) Under existing law, local staff development programs and resource centers are to provide ongoing opportunities to all those who work with pupils to improve instructional, counseling, and human development skills through locally designed staff development programs.

This bill would provide for the establishment of California leadership institutes, in addition to the staff development programs and resource centers. These institutes would provide support and development activities for school administrators, as specified.

(4) Under existing law, commencing February 1, 1983, no school district governing board shall hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency, as specified, or is exempt from this requirement.

This bill would specify that if the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills This bill would specify that if at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under specified provisions of existing law.

This bill would exempt from these provisions a person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment. This bill would require that the school district administering a basic skills proficiency examination to these persons comply with specified provisions of law.

(5) Existing law defines the categories of positions in the classified service for which the governing board of a school district may establish eligibility restrictions based on low

income or area of residence. These provisions would be repealed January 1, 1983.

This bill would delete the repeal clause and continue the above provisions indefinitely.

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(7) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

(8) This bill would take effect immediately as an urgency statute.

Ch. 1389 (AB 2940) Tucker. County superintendents of schools: pregnant minors programs: community colleges. certificated employees:

(1) Existing law requires county superintendents of schools who operated pregnant minors programs in the 1979–80 fiscal year to continue to operate the programs in the 1980–81 fiscal year and each fiscal year thereafter, unless: (a) the program is transferred to another local education agency, or (b) the county superintendent demonstrates that programs and services for pregnant minors are available from other local education agencies.

This bill would revise item (a) above to permit a transfer by mutual agreement to another local education agency, and would revise item (b) above to permit the county superintendent to demonstrate that other local education agencies agree to offer those programs and services pursuant to pregnant minors program rules and regulations developed by the Superintendent of Public Instruction.

This bill would provide these amendments to the pregnant minors programs would be deemed to have become operative on June 1, 1981.

(2) Existing law: (a) requires school districts to grant to any certificated employee, upon request, a leave of absence without loss of compensation for the purpose of enabling the employee to serve as an elected officer of any school district public employee organization which is affiliated with state and national organizations, and (b) makes the receipt of service credit, after payment of contributions to the Teachers' Retirement Fund, in the State Teachers' Retirement System by such employees, retroactive to all services as an elective officer in a public employee organization occurring after August 31, 1978.

This bill would· add a requirement identical to item (a) above, but applicable to community college districts and their certificated personnel; and make item (b) above applicable to such service of certificated personnel of community college districts

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(4) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

(5) This bill would take effect immediately, as an urgency statute

Ch. 1390 (AB 2697) Rosenthal. Transportation: social services.

(1) Existing provisions of the Social Service Transportation Improvement Act promote the consolidation of social service transportation services

This bill would exempt social service transportation delivered by a nonprofit social service transportation provider or a for-profit transportation provider pursuant to contract with a nonprofit social service transportation provider organization from specified laws relating to common carriers of passengers and from the Public Utilities Code definition for passenger stage corporations, except as specified.

The bill also would prohibit counties, cities, and districts from imposing a special license or fee for social service transportation provided by a nonprofit social service transportation provider organization or a for-profit transportation provider pursuant to contract with a nonprofit social service transportation provider organization.

(2) If SB 1532 is chaptered, becomes effective January 1, 1983, and amends Section 226 of the Public Utilities Code, its provisions would prevail over this bill

Ch 1391 (AB 3179) Young. Transportation: local alternative transportation improvement program: state highway excess property.

(1) Existing law requires designated transportation planning agencies annually to prepare and adopt a regional transportation improvement program and to transmit it to the California Transportation Commission and the Department of Transportation. The department is required annually to submit a proposed state transportation improvement program to the commission The commission is required annually to adopt a 5-year state transportation improvement program which is consistent with its estimate of available revenues.

This bill would, with respect to State Highway Route 238, authorize a city, county, or transportation planning agency, as specified, or the department upon request, to file with the commission a local alternative transportation improvement program that addresses transportation problems and opportunities in the county which was to be served by a planned state transportation facility. Following a review process involving the transportation planning agency and the department, the commission would have the authority to approve a local alternative transportation improvement program for inclusion in the state transportation improvement program. The commission would be prohibited from approving any local alternative transportation improvement program submitted after January 1, 1986. At the time of approval, the commission would be required to authorize the department to sell excess properties originally purchased for the planned facility at prevailing fair market price, except that any properties required for the local alternative transportation improvement project may not be sold The bill would exempt the excess property sales from provisions requiring residential property to be sold according to a specified priority and would require proceeds of the excess property sale to be allocated by the commission, notwithstanding the current statutory allocation formulae, to fund the approved local program. The bill would require the use of the proceeds only for highway purposes. The above provisions would not apply to highways in the National System of Interstate and Defense Highways.

The bill would require the local alternative transportation improvement program, adopted pursuant to these provisions of the bill, to provide relocation assistance, as specified, and to provide replacement housing units for persons and families of low or moderate income at an affordable housing cost. The bill would prohibit expenditure of any funds from the State Highway Account in the State Transportation Fund for the housing provisions, and would prohibit use of the excess property or the proceeds from the sale of the excess properties for housing purposes. The bill would specifically authorize the excess property to be used for housing purposes after sale by the department.

These provisions would become operative only if SB 1711 is chaptered, and the provisions of SB 1711 would not become operative.

(2) Existing law requires the department to sell or exchange excess real property acquired by the state for highway purposes which is no longer needed for those purposes within one year from the date that it is determined excess.

This bill would authorize a city or county, acting jointly with a transportation planning agency, to adopt a resolution requesting rescission of a state highway route location within the city or county, as the case may be, and to submit an alternative state highway project proposal. In a city or county under the jurisdiction of a county transportation commission, only that commission could adopt the resolution and submit an alternative state highway project proposal. If the California Transportation Commission concurs in the resolution, the route location is required to be rescinded and the department is

required to proceed with the sale of excess real properties acquired for the rescinded route location. The bill would require the commission to allocate the proceeds from the sale of excess property on the rescinded route location for expenditure by the department to fund the alternative state highway project proposed by the city or county, as the case may be, if it is approved by the commission The bill would exempt expenditure of proceeds from sales of excess property of routes rescinded between January 1, 1983, and December 31, 1985, for an alternative state highway project within the county from the north-south split and county allocation requirements.

Ch. 1392 (AB 1324) Floyd. Mobilehome Residency Law.

The existing Mobilehome Residency Law generally regulates relations between tenants and owners of mobilehome parks and provides for attorney's fees and costs, and civil penalties, in civil actions arising out of the provisions of the law.

This bill would provide that both the failure of the management of a mobilehome park to provide and maintain physical improvements in the common facilities in good working order and condition and the violation of a mobilehome park rule are nuisances as specified.

Existing law provides that the management of a mobilehome park shall not require the removal of a mobilehome from the park if sold to a third party during the tenant's term. However, in the event of such a sale, in order to upgrade the quality of the park, the management may require removal of the mobilehome if, among other things, it falls within certain size and age criteria or it is in rundown condition or in disrepair, as determined by the management in the exercise of reasonable discretion.

This bill would provide that, if a mobilehome falls within certain size and age criteria, removal from the park may be required if the mobilehome does not also comply with specified health and safety standards established by law and regulation. If the mobilehome is in rundown condition or in disrepair, this bill would require it to be in a significantly rundown condition or in disrepair, as determined by the general condition of the mobilehome and health and safety considerations, exclusive of its age. This bill would also require the management to bear the burden of demonstrating that a mobilehome is in a significantly rundown condition or in disrepair.

Ch. 1393 (AB 2572) Wray. Mobilehomes. registration fees

Under existing law, the annual registration fee for vehicles, including mobilehomes, is $22, and, until December 31, 1985, an additional $1 is required to be paid for deposit in the California Highway Patrol Law Enforcement Account in the State Transportation Fund. The registration fee for mobilehomes is paid to the Department of Housing and Community Development.

This bill would reduce the registration fee for mobilehomes to $11 and would exempt mobilehomes from the additional $1 fee operative January 1, 1983.

This bill would, however, until December 31, 1983, require the department to reduce registration renewal fees for mobilehomes during the 1983 calendar year by an amount equal to a pro rata share of the unencumbered balance which is estimated jointly by the department and Department of Finance, on or before October 1, 1982, to be in the Mobilehome Revolving Fund as of December 31, 1982. The department would be required to determine the amount of registration fee reduction per transportable section which will result from the return of that estimated amount to mobilehome owners and to include that determination in the registration renewal notices sent to mobilehome owners as part of the annual renewal process for the 1983 calendar year

The bill would require the Department of Housing and Community Development to prepare and submit a report on the results of the estimate and determination to the Chairman of the Joint Legislative Budget Committee at least 30 days before the issuance of renewal notices which identify the reduced registration fee level.

The bill would take effect immediately as an urgency statute.

Ch 1394 (SB 2002) Rains. Driving offenses: bail: forfeiture.

(1) Existing law regulates the activities of motor clubs, including, among other things, bail bond and insurance services Duly authorized attorneys at law and admitted insurers are exempt from these provisions, including the requirement that a person cannot render these services without first obtaining a certificate of authority to act as a motor

club

This bill would additionally exempt an association of motor carriers from these provisions.

(2) Existing law requires, among other things, that a person arrested for an infraction be only required to present identification and sign a written promise to appear, with specified exceptions

This bill would also except from that limitation arrests for infractions under the Vehicle Code committed by a nonresident

(3) Under existing law, whenever a nonresident is arrested for a violation of the Vehicle Code while driving a motor vehicle and does not furnish satisfactory evidence of identity and an address in this state at which he or she may be located, he or she may be taken before a magistrate The person is required to be released on a written promise to appear if the magistrate is unavailable and the person is not taken before another person authorized to receive bail, under specified conditions

This bill would, for such a person driving a commercially registered motor vehicle of 7,000 pounds or more unladen weight, who does not furnish satisfactory evidence of identity and an address within this state at which he or she can be located, and in lieu of the existing procedure, authorize the arresting officer to accept a guaranteed traffic arrest bail bond certificate, as described, and release the nonresident from custody upon giving a written promise to appear This certificate would be issued by a surety admitted in this state, or by an association of motor carriers if certain specified conditions are met.

The bill would make conforming changes to other provisions involving bail forfeitures.

Ch. 1395 (SB 1343) Craven. Mobilehomes. registration fees

(1) Existing law establishes a procedure to permit owners whose mobilehomes have or will become subject to local property taxation because of those delinquent license fees to file a petition with the Department of Housing and Community Development, to have those mobilehomes excluded from the application of local property taxation and to have them made subject to the Vehicle License Fee Law.

This bill would not subject a mobilehome owner to penalty or local property taxation where the license fees required to be paid became delinquent between July 1, 1980, and March 1, 1982, if the fee due is paid, or the property tax payment is current, and the waiver request is submitted prior to June 30, 1983. The bill would also specify that payment of the first installment on property taxes due and payable in fiscal year 1982–83 by mobilehome owners filing a waiver of delinquency under this section shall be deemed full payment of that 1982–83 property tax liability, if the waiver of delinquency is filed and postmarked no later than April 9, 1983

The bill would also require the department to establish a vehicle license fee renewal date for mobilehome owners paying property taxes on the mobilehome for the 1982–83 year, who file a waiver of delinquency and are reinstated, as specified

(2) Under existing law, the annual registration fee for vehicles, including mobilehomes, is $22, and, until December 31, 1985, an additional $1 is required to be paid for deposit in the California Highway Patrol Law Enforcement Account in the State Transportation Fund. The registration fee for mobilehomes is paid to the Department of Housing and Community Development.

This bill would reduce the registration fee for mobilehomes to $11 and would exempt mobilehomes from the additional $1 fee operative January 1, 1983

The bill would, however, until December 31, 1983, require the department to reduce registration renewal fees for mobilehomes during the 1983 calendar year by an amount equal to a pro rata share of the unencumbered balance which is estimated jointly by the department and Department of Finance, on or before October 1, 1982, to be in the Mobilehome Revolving Fund as of December 31, 1982. The department would be required to determine the amount of registration fee reduction per transportable section which will result from the return of that estimated amount to mobilehome owners and to include that determination in the registration renewal notices sent to mobilehome owners as part of the annual renewal process for the 1983 calendar year

The bill would require the department to prepare and submit a report on the estimate and determination to the Chairman of the Joint Legislative Budget Committee at least 30 days before issuance of renewal notices which identify the reduced registration fee level.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

(4) The bill would take effect immediately as an urgency statute.

Ch 1396 (AB 2753) Kapiloff Fire suppression services.

(1) Existing law authorizes, until January 1, 1988, any district which provides fire protection and prevention services, as specified, to levy an assessment for fire protection and prevention services and provides the procedure for determining that assessment, including notice, hearing, protests, and, if holders of property interests representing greater than 5% of the expected revenues protest, an approval by a majority of the voters of the district voting on the proposition

This bill would authorize the district to levy an assessment for fire suppression services, instead of for fire protection and prevention services; would specifically include counties, county service areas, and cities within that authorization; would provide that the assessment may be made for the purpose of obtaining, furnishing, operating, and maintaining fire suppression equipment or for the payment of salaries and benefits of firefighting personnel; would permit a legislative body to establish zones or areas of benefit within the district, county or city; would permit the assessment to be levied on a parcel, class of improvement to property, or use of property basis; would permit the legislative body of a district to abandon the proposed assessment if the protests equal at least 5% but less than 50% of the expected revenue and would require the legislative body of a district to abandon the proceedings if the protests equal 50% or more of the total amount of expected revenue, would require the legislative body of a county or city to either submit the proposed assessment to approval by ⅔ of the voters voting on the proposition or abandon the proceedings if the protests equal at least 5% but less than ⅓ of the expected revenue and abandon the proceedings if the protests equal ⅓ or more of the total amount of expected revenue, and would define various terms.

The bill would require that any judicial proceeding attacking the validity of an ordinance, including ordinances which provide for an automatic adjustment in an assessment, be conducted in accordance with specified provisions and be commenced within 120 days of the effective date of the ordinance or May 1, 1983, whichever date is later.

The bill would authorize the State Fire Marshal to adopt a model ordinance for adoption by local agencies authorized to impose an assessment for fire suppression services.

(2) Existing law authorizes, until June 30, 1983, local agencies, as defined, which provide fire protection and prevention services or which provide police protection services to propose for adoption, a ballot proposition imposing a standby or availability charge for fire suppression or police protection services, or a special tax for police or fire protection and prevention services, pursuant to specified procedures, including the affirmative vote of ⅔ of the electors residing within the affected territory.

This bill would repeal the provisions authorizing the adoption of a standby or availability charge for fire suppression or police protection services

(3) Existing law provides that a proposal for the creation, within the County of San Diego, of a local agency to provide fire protection or prevention services or police protection services may be combined with a proposal for the adoption of a standby or availability charge and presented to the voters as a single ballot proposition

This bill would, instead, provide that a proposal to create such a local agency may be combined with a proposal for the adoption of a special tax for those purposes

(4) The bill would make other conforming changes.

Ch. 1397 (AB 2429) Cortese. Mobilehome parks and tenancies.

(1) Existing law regulates the landlord-tenant relationship between the management of a mobilehome park and the tenants, who are defined as persons who have a tenancy in a mobilehome park, concerning such matters as the rental agreement, fees and charges, tenant meetings, termination of tenancies, and transfer of mobilehomes, among

other things This bill would substitute the term "homeowner" for the term "tenant" throughout the act and define "homeowner" as a person who has a tenancy in a mobilehome park under a rental agreement. The bill would provide that these definitional changes do not constitute a change in, but are declaratory of existing law

(2) Existing law requires that, prior to the conversion of a mobilehome park to another use, the person or entity proposing the change (a) submit to the appropriate local agency a report on the impact of the conversion upon the displaced residents of the mobilehome park and (b) make a copy of the report available to each resident of the mobilehome park

This bill would require the local agency, at least 30 days prior to a hearing or any other action on an application to convert a mobilehome park, to inform the applicant of the reasons for which a mobilehome tenancy may be terminated under state law and all applicable local requirements which impose upon the applicant a duty to inform residents and mobilehome owners of a proposed change in a mobilehome park use, and would prohibit a hearing from being held or any other action from being taken on the application before the applicant has verified that residents and mobilehome owners of the mobilehome park have been notified of the proposed change in use

(3) Existing law requires the Department of Housing and Community Development to evaluate local enforcement of building standards, as specified, relating to mobilehome parks, among other things

Existing law authorizes the department to carry out investigations to ensure enforcement of these provisions and to set fees for these activities

This bill would provide that the department may not establish any fee or surcharge for the purpose of carrying out these investigations

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would make additional changes in Section 798 56 of the Civil Code, proposed by AB 3640, contingent upon the prior chaptering of AB 3640

This bill would make additional changes in Section 798.73 of the Civil Code, proposed by AB 1324, contingent upon the prior chaptering of AB 1324.

This bill would make additional changes in Section 798 79 of the Civil Code, proposed by AB 3660, contingent upon the prior chaptering of AB 3660

Ch 1398 (AB 1733) Papan Social services

Existing law contains provisions for the funding of projects for child abuse and neglect prevention and intervention, with projects being funded through the State Department of Social Services

Existing law further provides that provisions relating to the Office of Child Abuse Prevention shall be repealed on December 31, 1982

This bill would provide that these provisions shall not be repealed

In order to carry out these purposes, this bill would appropriate for the 1982–83 fiscal year, the sum of $10,000,000 from the General Fund to the State Department of Social Services as follows

(1) The sum of $9,000,000 to the counties or the Office of Child Abuse Prevention as specified

(2) The sum of $1,000,000 to the Office of Child Abuse Prevention for innovative child-centered approaches to prevent child abuse and neglect

Funding for subsequent years shall be subject to Budget Act appropriation

The bill would provide that not more than 5% of funds appropriated to the department could be used for departmental administrative expenses

The bill would establish procedures, criteria, and priorities for the selection of child abuse and neglect prevention and intervention programs which shall receive funding, and that 3% of the funding provided for in this act would be used for statewide training,

as specified

The bill would provide that federal funds shall, when available, be used for implementation of this bill

The bill would become operative on October 1, 1982.

This bill would take effect immediately as an urgency statute.

Ch. 1399 (AB 2994) Imbrecht Child abuse and neglect programs. vital statistics fees: birth certificates.

(1) Existing law requires an applicant for a certified copy of a birth, fetal death, death, marriage, or marriage dissolution record to pay a fee of $3

This bill would require applicants for a certified copy of a birth certificate, other than public agency applicants for a certified copy of a birth certificate that the agency is required to obtain in the ordinary course of business, to instead pay a fee of $7 The bill would require $4 of any $7 fee to be paid to either a county children's trust fund or to the State Children's Trust Fund in conformity with prescribed provisions which would be enacted by the bill

The bill would provide that a county board of supervisors may designate an existing voluntary local commission, board, or council for purposes of establishing child abuse and neglect prevention and intervention programs, and that if such a commission is designated, the county clerk shall deposit the money from the birth certificate fee in a county children's trust fund.

The bill would permit the local registrar or county recorder to retain a percentage of the funds, not to exceed 10%, to defray the costs of collection

The bill would provide that the designated commission shall establish priorities for determining which child abuse and neglect programs shall be funded, and that the designated commission shall make recommendations to the board of supervisors upon the proposals submitted to it

The bill would provide that final funding decisions shall be made by the board of supervisors.

The bill would also provide that the county children's trust fund shall include gifts, grants, and bequests from private sources usable for child abuse services, as well as funds appropriated for this purpose by the Legislature.

The bill would provide that in any county where a commission is not designated, the birth certificate surcharge, along with gifts, grants, and bequests from private sources to be used for child abuse and neglect prevention and intervention programs and any money appropriated by the Legislature for the purpose of funding these programs, shall be placed in the State Children's Trust Fund which is created in the State Treasury.

The bill would provide that the money in the State Children's Trust Fund shall be appropriated to the State Department of Social Services to fund child abuse and neglect prevention and intervention programs in counties where a commission has not been designated as provided by the Legislature in the annual Budget Act

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1400 (AB 3689) Ingalls Discovery· expert witnesses

Under existing law, a party to a civil action may demand to exchange lists of expert witnesses

This bill would also provide for a demand to exchange each expert witness's discoverable reports and writings and would require the demand to specify a time, place, and manner of making inspection and taking copies

Under existing law, the date of exchange of lists of expert witnesses is 20 days after service of the demand or 50 days prior to the trial date, whichever is later.

This bill would allow the court to require an earlier exchange date for good cause, and would provide that if the demand to exchange lists of witnesses is by mail, parties shall not have additional time to comply because the service was by mail.

The bill would delete requirements for filings with the clerk of court
The bill would contain related provisions

Ch 1401 (AB 2452) Harris Statutory will
Under existing law, a person may dispose of his or her property by will Existing law sets forth the requirements for the execution of a will, but does not provide the substantive provisions or terminology of the provisions of a will
This bill would enact provisions for 2 forms of a statutory will, either of which a person could adopt upon complying with provisions for its execution. The statutory will or statutory will with trust would be a specific form with a limited choice of dispositive clauses, and would incorporate a number of mandatory clauses.

Ch 1402 (AB 3784) D Stirling. Civil procedure pretrial proceedings
Existing law empowers every court to provide for the orderly conduct of proceedings before it
This bill would authorize the adoption of local superior court rules, according to specified procedures, designed to expedite and facilitate the business of the court and would provide for the consequences of failure to comply with such rules The bill would also revise the authority of a court to dismiss an action for want of prosecution and would require the Judicial Council to adopt rules for obtaining dismissals as specified

Ch 1403 (AB 2915) Kelley Controlled substances prescriptions
(1) Existing law prohibits any person, except in the regular practice of his or her profession, from prescribing, administering, dispensing, or furnishing controlled substances to or for any person not under specified treatment, except as specified A violation of this provision is generally punishable by imprisonment in the state prison or in a county jail not exceeding 1 year, or by a fine not exceeding $20,000, or by both such fine and imprisonment
This bill would prohibit a person from knowingly prescribing, administering, dispensing, or furnishing controlled substances under the above circumstances to animals as well as people, and would prohibit, in addition, the knowing solicitation, directing, inducing, aiding, or encouraging of a practitioner authorized to write a prescription to unlawfully prescribe, administer, dispense, or furnish a controlled substance The bill would make conforming changes
(2) Existing law requires the Department of Justice to issue prescription blanks, in serially numbered groups of not more than 100 forms each in triplicate, to specified practitioners, as specified No limitation on the number of prescription blanks which may be issued is set forth.
This bill would provide that the Department of Justice shall not, during any 30-day period, issue more than 100 triplicate prescription blanks to any authorized practitioner, until written justification has been received and approved by the Department of Justice.
(3) Under existing law, when an emergency oral or written prescription for specified controlled substances is issued, as specified, the prescriber is required to submit the prescription in specified form to the pharmacy or pharmacist filling the prescription within 72 hours If the prescriber fails to submit the prescription within 72 hours, the pharmacist filling the emergency prescription is required, within 144 hours of the time the prescription was filled, to inform the Department of Justice of that fact
This bill would require the pharmacist to inform the Department of Justice of the prescriber's failure to submit the prescription and to also maintain for 3 years, a written, readily retrievable record identifying (1) the prescriber, (2) the name, strength, and quantity of the controlled substance dispensed; (3) the circumstances under which the emergency prescription was filled, and (4) the date and method of notifying the Department of Justice, as specified.
(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.
However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1404 (AB 3314) Levine. Crimes against the person

Existing law provides that every person who forcibly steals, takes, or arrests any person in this state, and carries him into another country, state, or county, or into another part of the same county, is guilty of kidnapping Existing law also makes it a crime to maliciously take, entice, detain, or conceal any child with intent to detain or conceal the child from a parent or guardian

This bill would add the provision that every person who, for a specified purpose, hires, persuades, entices, decoys, or seduces by false promises, misrepresentation, or the like, any child under age 14 in this state, to go out of this country, state, or county, or into another part of the same county, is guilty of kidnapping

Existing law provides for the imposition of specified additional punishment for the use of a firearm in felony cases, including assault with a deadly weapon

This bill would specify that the law applies to a deadly weapon which is a firearm

The bill would also incorporate changes in Section 12022.5 of the Penal Code made by Chapter 142 of the Statutes of 1982, to become operative January 1, 1983, and would incorporate further changes in Section 12022.5 of the Penal Code proposed by AB 269, to become operative on January 1, 1983, but only in the event AB 269 is chaptered before this bill.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1405 (AB 3380) Alatorre Crimes threats against public officials.

Existing law provides that it is a crime to intentionally cause, or attempt to cause, any public officer or employee to do, or refrain from doing any act in the performance of his or her duties, by means of a threat to inflict unlawful injury upon any person or property, as specified.

This bill would also provide that it is a crime to threaten the life of certain state officials, as specified.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1406 (AB 2868) Hart Prisoners.

Existing law requires the Department of Corrections to pay $200 for rehabilitation purposes to each prisoner upon release from a state correctional institution unless the prisoner is released to the custody of another state or the federal government The department may establish procedures for the payment of the $200 within the first 60 days of a prisoner's release.

This bill, in addition, would permit the department to eliminate payment of any part of the amount to a parolee who willfully absconds after release on parole while any remaining balance of the $200 remains unpaid

Existing law prescribes a 3-year or 5-year period of parole, as specified for state prisoners A prisoner may be discharged from parole after 3 years

This bill would impose a life parole period as to prisoners with a life term of imprisonment for first or second degree murder, subject to discharge after 7 or 5 years, as specified.

Existing law provides for a maximum of 12 months confinement after revocation of parole.

This bill would, in cases of first or second degree murder, provide for a more lengthy period of incarceration, as specified.

Ch. 1407 (AB 2564) Moorhead Parole

Existing law requires the Board of Prison Terms to release any eligible prisoner on parole or to waive parole and sets forth the conditions and length of parole. The board is required to consider the inmate's request concerning the length and conditions of his or her parole

This bill would require the board, when releasing an inmate on parole, to return the inmate to the county from which he or she was committed unless, after consideration including various specified factors, the board determines it is in the best interests of the public and of the parolee that he or she be returned to another county and places its reasons in writing The bill would expressly provide that an inmate may be paroled to another state pursuant to any other provision of law

Ch 1408 (AB 3511) Filante Administration of justice. grand juries civil arbitration costs

(1) Existing law authorizes the parties to a civil action to stipulate to judicial arbitration of the action Existing law provides that the county in which the arbitration costs are incurred pays for all administrative costs of arbitration, including compensation of arbitrators

This bill would require that the actual costs of compensation of arbitrators in these proceedings conducted by reason of stipulation of the parties shall be paid for in equal shares by the parties, except as otherwise specified and unless the imposition of those costs would create such a substantial economic hardship for a party as not to be in the interest of justice This bill would provide that, in the case of substantial economic hardship, the county in which the arbitration costs are incurred would pay for the affected party's share of arbitration costs

(2) Existing law requires that the grand jury of a county be impaneled and serve during the fiscal year of the county, as specified

This bill would authorize the board of supervisors of a county to provide that the grand jury be impaneled and serve during the calendar year.

(3) Existing law requires the board of supervisors of a county to comment on the findings and recommendations of the grand jury that pertain to matters under the control of the board, as specified, and also requires elective county officers to report to the board of supervisors on the findings and recommendations pertaining to him or her, as specified All reports and comments are submitted to the presiding judge of the superior court that impaneled the grand jury, and a copy is required to be placed on file with the county clerk.

This bill would, instead, specify that the governing body of any public agency shall submit to the presiding judge of the superior court comments on the grand jury findings and recommendations pertaining to the operations of any public agency subject to the governing body's reviewing authority, and require that those comments be placed on file with the clerk of that agency

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(5) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 1409 (AB 2365) Konnyu Firearms. possession· mental illness

Existing law makes it a misdemeanor for persons found mentally ill or disordered, unless a certificate has been issued stating that the person can possess firearms without endangering others, or found not guilty by reason of insanity of specified offenses, to possess or have under their custody or control any firearm.

This bill would make the violation an alternative felony or misdemeanor, and would specify that persons found not guilty by reason of insanity in other jurisdictions as specified, and persons adjudicated to be mentally disordered sex offenders are included.

Existing law requires the Department of Mental Health to maintain records necessary to identify any person who comes within the prohibitions relative to the possession of

firearms by mentally ill or disordered persons

This bill would specify that the requirement of recordkeeping applies as to persons who have been or are being treated in mental health facilities in California

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1410 (AB 1495) Bane Financial institutions

Existing law does not specifically authorize or prohibit either the merger or conversion of a state bank into a domestic savings and loan association, or the merger or conversion of a domestic savings and loan association into a state bank

This bill would provide that a state savings and loan association may, with the approval of the Superintendent of Banks, convert into a state bank pursuant to specified provisions. It would also authorize a state bank, with the approval of the Savings and Loan Commissioner, to convert into a state savings and loan association pursuant to specified provisions The General Corporation Law would apply to such a conversion, except as specified The bill would also set out procedures for the implementation of a conversion, as specified

The bill would take effect immediately as an urgency statute.

Ch 1411 (AB 2162) Bane Savings and loan associations.

Existing law does not expressly authorize or prohibit sales, mergers, or conversions between banks and savings and loan associations

This bill would provide a comprehensive scheme permitting and regulating sales, mergers and conversions between (1) state banks and state savings and loan associations or federal savings and loan associations headquartered in the state and (2) state savings and loan associations and state banks or national banks headquartered in the state. The approval of the Superintendent of Banks would be required where a state bank is the purchasing, surviving, or resulting financial institution while the approval of the Savings and Loan Commissioner would be required in the case where the purchasing, surviving, or resulting institution is a state savings and loan association

The bill would also make various conforming changes

The bill would repeal, in the event AB 1495 is enacted, provisions relating to conversion between banks and savings and loan associations contained in AB 1495

Ch. 1412 (AB 2571) Elder Probation payment of restitution.

Existing law requires a court in sentencing a convicted defendant to consider whether as a condition of probation the defendant shall make restitution to the victim, or the Indemnity Fund if assistance has been granted to the victim from the Indemnity Fund.

This bill would instead require the court to order the defendant to make restitution unless the court finds that such restitution is beyond the defendant's ability to pay. The defendant would be provided with notice of the amount of restitution demanded and would be permitted to request a court hearing on the amount of restitution

This bill would provide further that if the court makes a finding on the record that the defendant is unable to pay restitution, the court shall require the defendant to perform community service as a condition of probation If the court finds that restitution or community service is inappropriate, it shall state its reasons therefor, on the record.

Ch 1413 (SB 2060) Boatwright. Crimes. restitution

Existing law requires the court in criminal cases to consider whether the defendant as a condition of probation shall make restitution, as specified, except in certain cases where there are restitution requirements as to particular crimes.

This bill would repeal specified restitution requirements as to particular crimes and would provide that when a person is convicted of a crime and probation is granted, the court shall require restitution as a condition of probation. If the court concludes that restitution is inappropriate and states its reasons on the record, the court shall instead

require that the defendant perform specified community service unless it makes a finding and states on the record that such a condition would be inappropriate. This bill would also require the imposition of restitution or specified community service in the same manner as a condition of probation for a minor found to be a person within the jurisdiction of the juvenile court for violation of any law other than a curfew ordinance

Ch 1414 (AB 2490) Elder Probation reparation restitution.

Existing law provides that a court, as a condition of granting probation may provide for reparation of the victim in proper cases, among other things. Existing law also requires a court to consider whether the defendant as a condition of probation shall make restitution to the victim or the Indemnity Fund. Existing law does not require, however, that payments in restitution must be forwarded to the victim within a specified period of time

This bill would require that any restitution payments received by a probation department shall be forwarded to the victim within 30, 45, or 90 days, as specified, from the date the payment is received by the department

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

This bill would incorporate additional changes in Section 1203 1 of the Penal Code, proposed by SB 2060, to be operative only if SB 2060 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

Ch 1415 (AB 2403) Leonard. Mental health escapes. confidentiality.

Under existing law, all information and records obtained in the course of providing specified mental health services to either voluntary or involuntary recipients of services must be confidential, with certain exceptions

This bill would require the general release of information regarding the name, reason for commitment, age, physical description, and any other information which the medical director of a state treatment facility considers essential in aiding the apprehension of persons who have escaped from a state mental health facility and who were placed in the facility by a court after being found not guilty by reason of insanity, unable to stand trial due to mental condition, or a mentally disordered sex offender

This bill would take effect immediately as an urgency statute

Ch 1416 (SB 1943) Sieroty Handicapped access to public accommodations

Under existing law, all public accommodations, passenger vehicle service stations, shopping centers, offices of physicians and surgeons, and office buildings constructed with private funds are required to be made accessible to handicapped persons, as prescribed Existing law provides that multistoried buildings of passenger vehicle service stations, shopping centers, offices of physicians and surgeons, and office buildings, floors or levels above and below the first floor or ground level are exempt from this requirement if a ramp or elevator is not available to provide public access to those floors or levels Existing law additionally provides that in multistoried buildings of public accommodations, floors or levels, as defined, above the first floor or ground level are exempt if a reasonable portion of all facilities and accommodations normally sought and used by the public in those buildings are accessible to, and usable by, the physically handicapped.

This bill would, instead, define stories and mezzanines of a multistoried building for the purpose of making the floors or mezzanines of those buildings and the accommodations therein accessible to the physically handicapped

The bill would state the legislative intent in amending certain sections of existing law

in this act

Ch 1417 (SB 1665) Mills State historical building code

Under the State Historical Building Code, alternative building regulations and building standards are permissible in lieu of the standards promulgated under the State Building Standards Law for the rehabilitation, preservation, restoration or relocation of buildings or structures designated as historic buildings

This bill would additionally require that similar alternative building regulations and standards published in the California Administrative Code be maintained as a separate and distinct part or portion of that code

Ch 1418 (AB 2552) N Waters Timberland preserves.

Existing law requires that parcels zoned as timberland preserve be zoned so as to restrict their use to growing and harvesting timber and to compatible uses

This bill would provide that the zoning of a parcel as timberland preserve shall give rise to a presumption that timber operations, as defined, may reasonably be expected to and will occur on that parcel The bill would also make legislative declarations regarding its intent with respect to those provisions

Ch 1419 (SB 1723) Mills Solar energy commercial and governmental agency buildings

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, building design and construction standards and energy conservation design standards for new residential and nonresidential buildings Existing law also requires the commission to promulgate passive solar system design standards for governmental agency buildings by April 1, 1982, and specifies items that the standards are required to include. The provisions prohibit, as specified, state and local agency approvals with respect to buildings which are not in compliance with the standards

This bill would repeal those provisions requiring the promulgation of standards for governmental agency buildings and would instead require the commission, in promulgating standards for nonresidential buildings, to provide at least one option which uses passive or semipassive thermal systems, as defined, to meet the prescribed energy use requirements The bill would also specify certain construction techniques as being passive or semipassive thermal systems

Ch 1420 (AB 3039) Farr Fire protection taxation

(1) Existing law repeals, effective June 30, 1983, the authority for local agencies, as defined, which provide fire protection or prevention services or which provide police protection services to propose for adoption, by the affirmative vote of ⅔ of the voters voting on the proposition, a special tax for fire protection and prevention services or for police protection services

This bill would except a special tax, which has been approved by the voters, the continued levy and collection of which tax was made a condition by the local agency formation commission to the annexation of territory to a city, from the provision repealing the authority for a local agency to continue levying and collecting that tax beyond June 30, 1983

(2) Existing law permits cities, counties, and districts, as defined, to propose by ordinance or resolution the adoption of a special tax

This bill would permit the legislative body of a local agency which is conducting proceedings for the incorporation of a city, the formation of a district, a change of organization, a reorganization, a change of organization of a city, or municipal reorganization to propose the adoption of a special tax, as specified, on behalf of an affected city or district.

(3) Under existing law, a local agency formation commission (LAFCO) has authority to conditionally approve proposed local agency reorganizations, or changes of organization subject to specified terms and conditions

This bill would provide that any change of organization or reorganization may be conditioned on the levying of a benefit assessment or approval by the voters of a special tax

(4) Existing law authorizes, until January 1, 1988, any district which provides fire protection and prevention services, as specified, to levy an assessment for fire protection and prevention services and provides the procedure for determining that assessment, including notice, hearing, protests, and, if holders of property interests representing greater than 5% of the expected revenues protest, approval by a majority of the voters of the district voting on the proposition.

This bill would permit any district to allocate a portion of the revenue raised pursuant to the above provisions to pay the interest and principal on indebtedness incurred pursuant to a specified provision of existing law which authorizes districts organized under the Fire Protection District Law of 1961 to acquire all necessary and proper lands and facilities, or any portion thereof, or equipment, by means of a plan to borrow money or by purchase or contract.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch. 1421 (AB 2535) Campbell Park and recreation projects. local assistance grants, capital outlay projects, wildlife protection, and Columbia Historic Stat

(1) The Budget Act of 1982 appropriates moneys from the State Urban and Coastal Park Fund to the Department of Water Resources for various capital outlay projects.

This bill would amend and supplement the Budget Act of 1982 to appropriate $500,000 to the department for such a project at the Feather River Hatchery

(2) The Budget Act of 1982 appropriates moneys to the Department of Parks and Recreation from the State Beach, Park, Recreational, and Historical Facilities Fund of 1974, the State, Urban, and Coastal Park Fund, and the Parklands Fund of 1980 for local assistance grants and reappropriates or reverts the unencumbered balance of specified prior local assistance grant appropriations made under those grant programs

This bill would amend and supplement the Budget Act of 1982 to revise certain grant appropriations and a grant reversion, appropriate specified amounts for grants from those funds, reappropriate the undisbursed balances of specified appropriations from the State, Urban, and Coastal Park Fund, and revert the unencumbered balance of specified appropriations to the State, Urban, and Coastal Park Fund and the Parklands Fund of 1980

(3) Under existing law, the Department of Parks and Recreation may enter into contracts with persons, firms, or corporations to construct, maintain, and operate concessions within areas of the state park system

This bill would require the department, at the request of the concessionaire, to extend until January 1, 1984, the term of any concession contract within Columbia Historic State Park in existence on the effective date of this bill which expires before January 1, 1984

(4) The Budget Act of 1980 appropriates $500,000 from the State Parks and Recreation Fund to the department for augmentation for land acquisition, condemnation proceedings for State Parks and Recreation Fund projects

This bill would revert $60,000 of the unencumbered balance of that appropriation to the fund and would appropriate that sum from the fund to the department for development on lands purchased for the Malibu Bluffs project

(5) The bill would authorize the Director of Transportation to transfer specified surplus lands near Mono Lake to the Department of Fish and Game or to the Wilf Life Conservation Board for specified purposes for a consideration at least equal to the acquisition costs to the state for that property plus reasonable interest as specified and would make legislative findings in connection therewith

(6) The bill would take effect immediately as an urgency statute.

Ch. 1422 (AB 350) Agnos Permanent absent voter

(1) Existing law specifies the contents of an identification envelope which is required to be mailed to each voter voting an absent voter's ballot Among other things the envelope is required to contain a declaration, under penalty of perjury, stating that the voter resides in the precinct in which he or she is voting

This bill would require the declaration to also state that the voter is the person whose name appears on the envelope

In addition, the bill would require the identification envelope to include a statement indicating that the voter has neither applied, nor intends to apply, for an absent voter's ballot in any other jurisdiction for the same election.

(2) Existing law provides a procedure for absent voting at an election However, there is no provision under existing law permitting a voter to obtain the status of permanent absent voter.

This bill would permit a voter to be listed as a permanent absent voter It would also permit a person who qualifies as a permanent absent voter because of specified disabilities to vote by absentee ballot

It would require the county clerk or the elections official charged with the duty of conducting an election to send an absentee ballot to those permanent absent voters whose names appear on the list and who are qualified to vote in the election A voter whose name appears on the list and who fails to return an absentee ballot for any statewide direct primary or general election would be deleted from the list.

The bill would also express a statement of legislative intent.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1423 (SB 118) Craven Sales and use tax exemption oxygen delivery systems.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from such tax

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would, until December 31, 1984, exempt from state and local sales and use taxes any medical oxygen delivery system, including, but not limited to, liquid oxygen containers, high pressure cylinders, and regulators, when sold, leased, or rented to an individual for his or her personal use as directed by a physician

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy

Ch 1424 (AB 466) Cramer County justice system subventions

Existing law provides for a program of state subventions to counties for projects such as local crime and delinquency prevention programs, correctional facilities, and offender-centered services The receipt of funds pursuant to the program is contingent upon a county maintaining its funding year commitment rate of criminal offenders to the Department of the Youth Authority and the Department of Corrections within a base commitment rate Certain categories of persons so committed are excluded from the computation of the funding year commitment rate

This bill would exclude persons committed to the Department of the Youth Authority

or the Department of Corrections on the basis of prosecution as career criminals from the computation of the funding year commitment rate

Ch 1425 (SB 482) Rains Public Employees' Retirement System membership

The Public Employees' Retirement System presently contains a membership category denoted "Safety Member".

This bill would add specified categories of employees to this category and provide for related increases in the state's contribution to the Public Employees' Retirement Fund

The bill would take effect immediately as an urgency statute

Ch. 1426 (SB 1108) Speraw Zoning appeals. Subdivision Map Act. community apartment projects and stock cooperatives.

(1) Existing law establishes a 180-day statute of limitations period in order to attack or review, among other things, decisions of a board of zoning adjustment or zoning administrator relating to applications for conditional uses or other permits That limitation period is not applicable to a chartered city unless the city has adopted such a provision.

This bill would provide that such statute of limitation shall apply except as otherwise provided by ordinance and would expressly make that provision applicable to chartered cities

(2) The existing Subdivision Map Act defines "subdivision" as including, among other things, a community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located on such land and the conversion of 5 or more existing dwelling units to a stock cooperative

This bill would specify that the Subdivision Map Act shall not apply to the conversion of a community apartment project, if certain requirements are met or the conversion of a stock cooperative, if specified requirements are met The bill would also provide that a stock cooperative or a community apartment project shall not be converted to a condominium unless a specified number of owners in the cooperative or project vote in favor of such conversion.

Ch 1427 (AB 2680) McCarthy Labor

(1) Existing law provides that the Contractors License Law does not apply to any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation, the title of which rests in the federal government

This bill would repeal this exemption

(2) Existing law provides that the Contractors License Law does not apply to any person who engages in the regulated activities as an employee with wages as the sole compensation.

This bill would add to the requirements for the above exemption that the person does not customarily engage in an independently established business, and does not have the right to control or discretion as to the manner of performance so as to determine the final results of the work performed

(3) Existing law specifies who is an "employee" for purposes of the unemployment insurance law.

This bill would, in addition, specify that any individual who is an employee of a licensed contractor pursuant to specified provisions is an "employee" for purposes of the unemployment insurance law

Ch 1428 (AB 3377) Elder State Teachers' Retirement System benefits payment procedure

The State Teachers' Retirement Law prescribes procedures for the payment of various prescribed allowances and benefits

This bill would: (1) prescribe time limits for various specified payments of allowances and benefits, (2) impose upon the system specified penalties for delinquent payments, as specified; and (3) require a report to the Teachers' Retirement Board at each meeting on all late payments.

Existing law permits the governing board of a school district or community college district to establish regulations authorizing, under certain conditions, certain members of the State Teachers' Retirement System to reduce their workload from full time to part

time and to receive the retirement credit that they would have received on a full-time basis if specified contributions are paid as on a full-time basis by the member and the employer

This bill would include county superintendents of schools in that authorization.

Ch. 1429 (AB 3166) Papan State Teachers' Retirement System· headquarters

Existing law requires that all land and other real property acquired by or for any state agency, other than specified state agencies not including the State Teachers' Retirement System, to be acquired by the State Public Works Board in accordance with the provisions of the Property Acquisition Law

This bill would exempt the State Teachers' Retirement System from this requirement and authorize the Teachers' Retirement Board to acquire real property to establish an office building in the County of Sacramento to serve as a permanent headquarters for the system

This bill would also appropriate $50,000 from the Teachers' Retirement Fund to the Teachers' Retirement Board in augmentation of Item 192-001-835 of the Budget Act of 1982 to pay related administrative costs

The bill would take effect immediately as an urgency statute

Ch. 1430 (AB 689) L. Stirling. Public retirement systems

(1) The Public Employees' Retirement Law prohibits, operative July 1, 1983, for purposes of annual crediting to contributions of members and retired members, the current annual interest rate from being less than the current actuarial interest rate

This bill would, instead, require that the current annual interest rate be the same as the current actuarial interest rate

(2) The Public Employees' Retirement Law authorizes utilization of the Investment Dividend Disbursement Account, for a specified period of time, to make specified increases in all monthly allowances

This bill would require, rather than authorize, the above

Ch 1431 (AB 3162) Papan Public employees' retirement system· ~~California Investment Council~~*

Existing law confers investment powers over the assets of the Public Employees' Retirement System upon the Board of Administration and provides for the employment by the board of investment counsel, as specified

This bill would make legislative declarations of intent and would require the board to retain, by contract, not less than two separate individual investment advisers

This bill would also continuously appropriate, without regard to fiscal year, sufficient funds from the Public Employees' Retirement Fund to pay all costs arising from the statute in the bill relating to the fund

The bill would also appropriate the sum of $400,000† to the board for expenditures for expenses and costs incurred during the 1981–82 fiscal year

Ch 1432 (AB 3165) Papan State Teachers' Retirement System

The State Teachers' Retirement Law confers investment powers over the assets of the system upon the Teachers' Retirement Board and provides for employment by the board of investment consultants, as specified

This bill would require the board to retain, by contract, not less than two separate individual investment advisers and would continuously appropriate, without regard to fiscal year, sufficient funds from the Teachers' Retirement Fund to pay all costs arising from this requirement

This bill would also state legislative intent

Ch. 1433 (AB 3164) Papan. Public retirement systems personnel

(1) A provision of the Public Employees' Retirement Law requires the board of administration to appoint officers and employees

This bill would authorize the board, upon specified findings, and upon approval by the State Personnel Board, to contract with qualified investment personnel to render serv-

† Appropriation deleted by action of the Governor

ice in connection with the board's investment program

(2) A provision of the State Teachers' Retirement Law requires the Teachers' Retirement Board to appoint employees necessary to administer the system

This bill would permit the board, upon specified findings, and upon approval of the State Personnel Board, to contract with qualified investment personnel to render service in connection with the board's investment program

(3) This bill would provide that the provisions of the bill would remain in effect until January 1, 1989, and as of that date would be repealed, unless a later enacted statute deletes or extends that date.

Ch 1434 (AB 3163) Papan State Teachers' Retirement System investment counsel

The State Teachers' Retirement Law requires the Teachers' Retirement Board to retain investment counsel or trust companies or trust departments of banks to advise the board in connection with its equity investments and, under specified conditions, authorize the employment of investment personnel on its staff or through interagency agreements

This bill would repeal that requirement and would, instead, prohibit retention on and after July 1, 1983, through interagency agreement of any investment personnel who, during the term of the agreement, are also serving as investment staff to the Board of Administration of the Public Employees' Retirement System

This bill would appropriate $360,000 from the State Teachers' Retirement Fund to the 1981 Budget Act item for support of the State Teachers' Retirement System, for the implementation of this act during the period January 1, 1983, through June 30, 1983

Ch 1435 (AB 2832) La Follette Parole hearings

Existing law requires the Board of Prison Terms, after refusing to set a parole date for a prisoner, to hear the case annually thereafter, except that the board may schedule the next parole hearing no later than 3 years after any hearing at which parole is denied if the prisoner has been convicted of more than one offense involving the taking of a life and the board determines that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for its finding

This bill would permit the board to schedule the next hearing for a prisoner denied a parole date no later than 2 years after any hearing at which parole is denied if the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for the finding, or 3 years after any hearing at which parole is denied if the prisoner has been convicted of more than one offense involving the taking of a life and the board determines that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for the finding

Existing law requires written notice of parole hearings to specified persons including the attorney for the defendant and the district attorney for the county from which the prisoner was sentenced

This bill would instead provide for written notice to the attorney who represented the defendant at the trial and the district attorney for the county in which the offense was committed

Ch 1436 (AB 3739) Robinson State Bar dues

Existing law establishes a basic annual membership fee of $165 for members of the State Bar who have been admitted for 3 years or longer, and establishes a maximum basic annual membership fee of $95 for members of the State Bar who have been admitted for less than 3 years Existing law also authorizes the State Bar to increase the annual membership fee, as specified These provisions are operative only until January 1, 1983

This bill would extend the operation of these provisions until January 1, 1984.

Ch 1437 (SB 1463) Presley Corrections

Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses which are deposited in the Assessment Fund in the State Treasury and then transferred each month to various funds On January 1, 1983, the percentage allocation of such funds to the Driver Training Penalty Assessment Fund

will be increased and the percentage allocation to the Corrections Training Fund will be deleted On January 1, 1986, the percentage allocation to the Driver Training Penalty Assessment Fund will be further increased and the percentage allocation to the Peace Officers' Training Fund reduced

This bill would state the intent of the Legislature that the Board of Corrections for the period of January 1, 1983, through June 30, 1983, inclusive, allocate funds remaining in the Corrections Training Fund not to exceed $3,200,000 for local assistance relating to training and standards of local corrections and probation officers. The bill would provide that money in the Corrections Training Fund shall be appropriated in the Budget Act The bill would on January 1, 1983, delete the allocation to the Corrections Training Fund and would on July 1, 1983, reinstate the current allocations until January 1, 1986, at which time the percentage allocation to the Driver Training Penalty Assessment Fund would be increased and the percentage allocation to the Peace Officers' Training Fund reduced On July 1, 1987, the percentage allocation to the Driver Training Penalty Assessment Fund would be increased and the percentage allocation to the Corrections Training Fund would be deleted

The bill would make an appropriation by extending the termination date of the transfer of funds from the Assessment Fund to the Corrections Training Fund, which are continuously appropriated funds

Existing law specifies the composition of the Board of Corrections This bill would revise the provisions for the composition of the Board of Corrections, and make related changes

Ch 1438 (SB 2011) Greene Land use zoning densities environmental quality·

(1) Existing law generally requires counties and cities to adopt general plans for the physical development of the county or city. The general plan is required to contain, among others, a land use element which includes, among other things, a statement of the standards of population density recommended for the territory covered by the plan and a housing element which generally consists of an identification and analysis of existing and projected housing needs of all economic segments of the community Existing law does not specify the grounds upon which a local agency is required to base a decision to disapprove a housing development project or to approve it upon the condition that the project be developed at a lower density

This bill would require a local agency which proposes either to disapprove a proposed housing development project which is in compliance with applicable planning, zoning, and development policies, or to approve that project upon the condition that it be developed at a lower density, to base its decision regarding the proposed housing development project upon written findings, as specified

(2) Existing law required each county or city, whether general law or chartered, to bring its housing element into compliance with state law on or before October 1, 1981, and provides that a court's review of the compliance of a housing element with the state law extends to whether the housing element is in reasonable compliance with state law

This bill would require a county, city, or city and county to bring any action which is required to be consistent with its general plan, but does not comply with its housing element, into compliance with its housing element within a specified time period upon a determination by a court that such action was not in compliance with its housing element

(3) Under the California Environmental Quality Act, generally, an environmental impact report is required to be prepared for a discretionary project which may have a significant effect on the environment

This bill would provide that a public agency may exercise only those express or implied powers provided by law other than the act in mitigating or avoiding a significant effect of a project on the environment The bill would, however, declare that a public agency may use discretionary powers provided by such other law for the purpose of mitigating or avoiding a significant effect on the environment subject to the express or implied constraints or limitations that may be provided by law The bill would make legislative findings and declarations dealing with these provisions of the bill and the act

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school

districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(5) This bill would provide that notwithstanding Section 2231.5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1439 (SB 2001) Mello Mello-Roos Community Facilities Act of 1982

(1) Existing law contains provisions relating to community facilities.

This bill would enact the Mello-Roos Community Facilities Act of 1982, which would provide an alternative method of financing public capital facilities, especially in developing areas and areas undergoing rehabilitation Specifically, the bill would authorize the establishment of a community facilities district to provide specified facilities. The bill would authorize the legislative body of a local agency to transfer funds to a community facilities district or to a zone within a community facilities district, for the benefit of the district or the zone, from any funds available to the legislative body The bill would authorize repayment of those funds transferred to the district or zone, as prescribed

The bill would specify the proceedings for establishment of a community facilities district and would prohibit the institution of any proceeding by the legislative body until approval of local agency formation commission is obtained and the issue is submitted to a vote of the electors, as specified.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1440 (SB 1534) Mello. Housing. single-family lots second-family units

Under existing law, a city or county may, by ordinance, designate various zones within the city or county and specify the uses which may be permitted on the land within those zones. Within such zones the city or county may condition certain uses or require special use permits or zoning variances for certain uses

This bill would authorize any city, including a chartered city, county, or city and county to provide, by ordinance, for the creation of second units, as defined, in single-family and multifamily residential zones In the event that any of those entities do not adopt an ordinance governing second units, the bill would, notwithstanding specified provisions of existing law, require each city, including a charter city, county, and city and county to grant a special use or a conditional use permit for the creation of a second attached residential unit, which is only intended for rental purposes, on a lot which is zoned for single-family or multifamily use and which contains an existing single-family detached unit, if the second unit complies with specified provisions The bill would prohibit any city, including a chartered city, county, or city and county from adopting an ordinance which totally preclude second units within single-family and multifamily zoned areas unless the ordinance contains prescribed findings. This bill would exempt the creation of a second residential unit from the California Environmental Quality Act

This bill would require jurisdictions adopting ordinances for the creation of the second units to submit a copy of it to the Department of Housing and Community Development

for submission to the Legislature This bill would make other changes necessary for the implementation of this bill

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1441 (AB 165) McCarthy California Housing Finance Agency bonding limitations

Existing law authorizes the California Housing Finance Agency to issue revenue bonds in an amount not exceeding $1,500,000,000 outstanding at any time, exclusive of indebtedness incurred to refund or renew previously issued bonds at the agency

This bill would increase such limitation on outstanding bonded indebtedness by $350,000,000 to a total of $1,850,000,000, exclusive of indebtedness incurred to refund or renew previously issued bonds of the agency

The proceeds of the sale of bonds of the agency are required to be paid, after allocation of certain expenses, to the California Housing Finance Fund, and such fund is continuously appropriated to the agency This bill, therefore, constitutes an appropriation of that portion of the proceeds of the additional revenue bonds authorized by the bill which is deposited in the California Housing Finance Fund

This bill would take effect immediately as an urgency statute

Ch 1442 (AB 2582) Kapiloff Surplus government land housing

(1) Existing law requires that local and state agencies intending to dispose of surplus unimproved land notify park and recreation-oriented agencies, local agencies, redevelopment agencies, or housing authorities where the property is located and prescribes a procedure giving such entities first opportunity to purchase the land at fair market value for park and recreational purposes, open-space purposes, or for low- and moderate-income housing purposes

This bill would require that the surplus unimproved land be offered for sale or lease to local agencies, housing authorities, or redevelopment agencies within whose jurisdiction the property is located for the purpose of developing low- and moderate-income housing and for sale or lease to recreation-oriented agencies for park and recreation purposes or open-space purposes The bill would also delete the requirement that the land be sold at fair market value to any of the entities required to be notified

(2) Under existing law, the purchasing entity is required to notify the agency selling surplus unimproved land within 60 days of their intent to purchase If unable to arrive at a mutually satisfactory sales price during the 60 days, the selling agency may dispose of the land in the normal manner

This bill would, instead, authorize the disposing agency to dispose of the land without further regard to the provisions on surplus unimproved lands if a mutually satisfactory sale price cannot be agreed upon after a good faith negotiation period of not less than 60 days

(3) Under existing law, if the selling agency received offers to purchase the land from more than one of the entities to which notice is required, the selling agency has the discretion as to which offer to accept

The bill would require the disposing agency, with specified exceptions, to give first priority to the entity which agrees to use the site for housing for persons and families of low or moderate income

The bill would also delete language specifying that nothing in the provisions on the sale of surplus unimproved property shall affect the validity of a transfer of title to real property

This bill would also specify that provisions on surplus unimproved land do not apply to surplus residential property as defined by prescribed provisions

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Depart-

ment of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(5) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1443 (AB 2828) Hughes Improvement Act of 1911

(1) Under the Improvement Act of 1911, whenever principal or interest is not paid on a bond when due, the bondholder may demand the city or county treasurer, as the case may be, to advertise and sell the lot or parcel upon which the assessment represented by the bond was levied

This bill would require a bondholder, at least 30 days prior to demanding a sale by the treasurer of owner-occupied residential property, to send a prescribed notice to the owner of the property with respect to the delinquency

(2) Under the act, the treasurer is required to mail a notice of sale to any owner of property to be sold for nonpayment of either principal or interest upon any delinquent bond sold under the act The notice is required to include, in 14-point boldface type, a warning that the property will soon be sold unless payment is made and to include the telephone number of the foreclosure clerk at the treasurer's office

This bill would require the treasurer or his or her designee, prior to sale, to make every reasonable effort to meet, in person, with the owner-occupant of the owner-occupied residential real property, or otherwise speak to the owner-occupant, and explain that the property will be sold if the delinquency is not paid

(3) Under the act, the owner or any party in interest may redeem property sold pursuant to the act within 12 months from the date of purchase or at any time prior to application by the purchaser for a deed After required notices are given and the period of redemption has passed, the purchaser may apply for a deed If no deed is applied for within 4 years of the date of issuance of the certificate of sale, the certificate of sale is conclusively presumed to be redeemed

This bill would, notwithstanding any other law, require the purchaser of any owner-occupied residential property at a foreclosure sale under the act, or any assignee or transferee of the purchaser, to apply for the deed and to record the deed with the county recorder within 16 months of the issuance of the certificate of sale Failure to apply for and record the deed would make the certificate of sale and the deed void and of no legal effect This provision would apply to sales held after the effective date of the bill

(4) Under the act, any action, suit, or proceeding to attack or contest the validity of a deed issued under the act is required to be brought within 12 months after issuance of the deed

This bill would authorize an action, suit, or proceeding with respect to any deed of owner-occupied residential property to be brought within 12 months after discovery of the issuance of the deed or, for sales of owner-occupied residential property between January 1, 1969 and January 1, 1979, within 12 months after the effective date of the bill

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) The bill would take effect immediately as an urgency statute, but provisions of the act specified in (1) and (2) above would become operative January 1, 1983

Ch. 1444 (AB 3593) Bosco. Employee pension fund investments first priority-residential realty

Existing statutes generally prescribe the categories of investment which banks, savings and loan associations, credit unions, various other financial institutions, and public employee retirement or pension funds may make, but do not require any public pension or retirement fund to invest in any specified investments.

This bill would require the administering body of any public employee pension or retirement fund, as defined, to give first priority to investing not less than 25% of all funds becoming available in the fiscal year, as specified, for new investment, in specified obligations secured by a lien or charge solely on residential realty, including rental housing, located in the state, as specified; authorize substitution of alternative investments if compliance herewith would conflict with specified fiduciary obligations or any standard for prudent investment, as specified, and authorize, for any fiscal year during which it is determined that compliance herewith will result in lower overall earnings for the fund than obtainable from alternative investment opportunities, as specified, substitution of such higher yielding investments and, in such event, require submission of a specified resolution to the Governor and to the Joint Legislative Audit Committee which would transmit the Auditor General's report to the Speaker of the Assembly and the Senate Rules Committee for transmittal to the affected policy committees

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would repeal all its provisions 5 years after its effective date, as specified.

Ch. 1445 (AB 3609) Katz Bonds, notes, and other evidences of indebtedness housing

(1) Under existing law, the California Housing Finance Agency is authorized to issue revenue bonds, the revenue from which may be used for specified housing developments and other residential structures.

This bill would state the intent of the Legislature to direct the agency to issue, within its current authorization, revenue bonds in the amount of the $300,000,000 to finance new homes, as defined, under certain circumstances for persons or families of low or moderate income who will be the first occupant The agency would be directed to issue not less than half of the $300,000,000 in revenue bonds by January 31, 1983, and the remainder by April 1, 1983. The mortgage loans made by the agency would be required to be for new homes for which a building permit has not been issued prior to April 15, 1982, and for which all approvals and permits are obtained by April 1, 1983

The bill would also require the agency to make a report to the Legislature before May 1, 1983

(2) Existing law does not designate the Treasurer as an elected representative of the state to approve the issuance of bonds, notes, or other evidences of indebtedness issued by or on behalf of the state, to the extent this approval is required by federal law

This bill would so designate the Treasurer

Ch 1446 (AB 3642) Filante County government

Existing law authorizes a county board of supervisors to destroy or dispose of records, under specified circumstances.

This bill would enable a board to authorize the destruction of any record, paper or document which presents a health and safety risk because it has been exposed to asbestos fibers

The County Employees Retirement Law of 1937 limits the investment of retirement systems in real estate and leases thereof and improvements thereon for business or residential purposes to 10% of the assets of the system.

This bill would increase that limit to 25% of the assets of the system, and provide that the investments for residential purposes shall not in the aggregate exceed 10% of the assets of the system

A provision of the County Employees Retirement Law of 1937, which would be repealed on December 31, 1983, unless a later enacted statute deletes or extends that

date, permits any court employee in Marin County who has retired, to be employed, for a period not to exceed 180 days, in a position requiring special skills or knowledge, as determined by the county or district

This bill would extend the repeal provision and thereby continue that authorization until December 31, 1986

Ch 1447 (AB 3701) Costa Housing rental housing developments.

(1) Under present law, the California Finance Housing Agency may insure loans for housing developments and residential structures that will be occupied primarily by persons and families of low or moderate income

This bill would exempt any rental housing development which is financed from those insured mortgages from local governmental prohibitions against condominium conversion under certain circumstances, local rent control and, when insured or coinsured, from agency architectural and design review

This bill would also authorize the agency to provide insurance for loans for privately financed rental housing developments and structures which benefit lower-income households The bill would require that not less than 10% of the units in the rental housing developments be made available to lower-income households at affordable rents when the agency provides insurance, but not construction or mortgage loans. Since a special revolving fund known as the Housing Rehabilitation Insurance Fund exists and is continuously appropriated to the agency for purposes of funding the agency's loan insurance programs, this bill would authorize an appropriation of moneys in that fund

(2) Under existing law, a borrower, to be qualified for loan insurance, is required to contract, with certain exceptions, not to raise rentals over an amount yielding a fair rate of return and to allow for proper maintenance of the property

This bill would require all borrowers, during the term of the insurance, to maintain residential rentals available to lower-income households at affordable rents

(3) Under existing law, the agency may coinsure loans made by certain approved lending institutions

This bill would authorize the agency to also reinsure these loans

(4) Existing provisions of the Subdivision Map Act do not expressly authorize local agencies to enter into a binding agreement with a subdivider requiring that units contained in a condominium development be first made available for rental housing for not less than 10 years

This bill would expressly permit local agencies to enter into these agreements which would be subject to specified requirements

(5) Under existing law, regulations adopted by state agencies are subject to review by the Office of Administrative Law.

This bill would exempt the administrative actions of the California Housing Finance Agency concerning loan insurance from these requirements

(6) The above provisions of this bill would only become operative if SB 1862 is enacted and becomes operative

Ch 1448 (SB 1763) Marks Housing finance rental housing

Various state and local agencies are authorized to provide financial assistance under certain circumstances to finance housing in this state

This bill would require the California Housing Finance Agency to accept applications for subordinated loans, as defined, for rental housing developments, the construction of which commences on or after January 1, 1983 The bill would require that not less than 20 percent of the units in the rental housing development be made available to lower income households

The bill would provide that certain moneys from the Rental Housing Construction Fund utilized by the California Housing Finance Agency for development costs which become available for encumbrance between June 30, 1982, and December 31, 1982, shall be utilized instead by the agency for reimbursement of the Public Employees' Retirement System and the State Teachers' Retirement System for actual administrative expenses incurred, in an amount not to exceed $259,344, for implementation of statutory provisions proposed to be enacted by other bills One-half of the remainder, including any funds included in the above amount which remain unencumbered as of July 1, 1983, would be required to be utilized by the agency for specified activities relating to rental

housing or for making subordinated mortgage loans.

The bill would incorporate additional changes regarding Section 50740 of the Health and Safety Code, to be operative only if this bill and SB 1829 are both chaptered, and this bill is chaptered last

Ch 1449 (SB 1786) Foran Subdivisions conditions for approval

(1) Under existing law, a proposed subdivision, as defined, requires approval by the appropriate local agency of a tentative and final subdivision map, and compliance by the subdivider with conditions and requirements imposed by the local agency Additionally, the development of an approved subdivision may require the issuance of building permits by the local agency

Existing law provides that a final subdivision map may be disapproved only for failure of the subdivision to meet or perform requirements or conditions which were applicable at the time that a tentative map for the subdivision had been approved

This bill would

(a) Require a local agency, in approving or disapproving a tentative subdivision map, to apply only those ordinances, policies, and standards which were in effect upon the date that the local agency determined that the subdivider's application was complete, with certain exceptions

(b) Prohibit a local agency from requiring, as a condition to the issuance of any building permit or equivalent permit for residential units in a subdivision once a tentative map has been approved or conditionally approved for the subdivision, or upon the recordation of a parcel map for the subdivision where no tentative map was required, conformance with or the performance of any conditions which the local agency could have imposed as a condition to the previously approved tentative or final subdivision map However, it would not prohibit a local agency from (1) imposing conditions or requirements upon the issuance of a building permit or equivalent permit which could have been lawfully imposed as a condition to the approval of a tentative or parcel map if the local agency finds it necessary because a failure to do so would place the residents of the subdivision or of the immediate community, or both, in a condition perilous to their health or safety, or both or because the conditions are required by state or federal law, or (2) from withholding or refusing to issue a building permit or equivalent permit if the local agency finds it necessary to do so in order to comply with state or federal law, or (3) from assuring compliance with the applicable zoning ordinance.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required.

(4) This bill would specify that, with the exception of those provisions which may be declarative of existing law, the provisions of this act shall operate only prospectively and shall not apply to tentative or parcel maps approved, conditionally approved, or disapproved prior to July 1, 1983

Ch 1450 (SB 1862) Keene Housing

(1) Existing law does not authorize the California Housing Finance Agency to administer a homeowner interest reduction program for the purpose of reimbursing builders for advances made to lenders to reduce the interest on loans to finance homeowner purchase of certain newly constructed homes

This bill would authorize the agency to participate in these financing arrangements and direct the Legislature to include appropriations for that purpose in the State Budget Act The bill would also create a Housing Assistance Trust Fund which would be continuously appropriated to the agency for these purposes and to defray its administrative

costs. The bill would also require that any interest earned on, or other increments derived from, the investment of commitment fees be annually transferred to participating institutional investors on a pro rata basis The bill would authorize public or private pension funds or other institutional investors to contract with the agency to participate in the program The bill would prohibit new loan commitments under the program after December 31, 1984, and suspend new loan commitments before such time if the prevailing mortgage rate drops below 12%

The bill would authorize the Public Employees' Retirement System and the State Teachers' Retirement System, notwithstanding any statutory limit on investment, to participate as institutional investors under these provisions and would require that these entities, in the 1983 and 1984 calendar years, give first priority to committing jointly an aggregate investment of not less than $2,000,000,000 from moneys becoming available for investment, as specified

The bill would require an annual report to the Governor and the Legislature by the agency on the implementation and effectiveness of these provisions

(2) Existing law requires the Commission on State Finance to provide the Legislature, the Governor, and the public with forecasts of state revenues, current year expenditures, and the surplus or deficit at least 4 times a year

This bill would require the commission to include in its forecasts for the 1982–83, 1983–84, and 1984–85 fiscal years an estimate of the amount of the increase in General Fund revenue which is directly or indirectly attributable to construction activity resulting from the enactment of this bill This bill would also require the most recent estimate of the commission to be included in the budget for fiscal years 1983–84 and 1984–85 submitted to the Legislature by the Governor within the first 10 days of each regular session

(3) This bill would become operative only if AB 3701 is enacted and becomes operative

Ch. 1451 (AB 3564) Roos Community Facilities Act of 1982

(1) Existing law contains provisions relating to community facilities

This bill would enact the Mello-Roos Community Facilities Act of 1982, which would provide an alternative method of financing public capital facilities and services, especially in developing areas and areas undergoing rehabilitation Specifically, the bill would authorize the establishment of a community facilities district to provide specified facilities and services The bill would authorize the legislative body of a local agency to transfer funds to a community facilities district or to a zone within a community facilities district, for the benefit of the district or the zone, from any funds available to the legislative body The bill would authorize repayment of those funds transferred to the district or zone, as prescribed

The bill would specify the proceedings for establishment of a community facilities district and would prohibit the institution of any proceeding by the legislative body until approval of local agency formation commission is obtained and the issue is submitted to a vote of the electors, as specified

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1452 (SB 77) Marks Housing finance mortgage bonds

(1) Under existing law the Mortgage Bond Allocation Committee performs various functions concerning the allocation of housing bonding authority

This bill would authorize the committee to employ an executive secretary.

(2) Under existing law a portion of the state ceiling on the issuance of public bonds, interest on which is exempt from federal taxation, is reserved until March 1 of each calendar year for supplementary allocations to local agencies.

This bill would require, instead, that portion of the state ceiling to be reserved until April 1 of each calendar year for supplementary allocations to local agencies. The bill, in addition, would prohibit the granting to local agencies of an entitlement or supplementary allocation exceeding a specified sum at any one time and from filing a request for an allocation for a particular issue if a previous request is then pending or a previously approved allocation is not yet sold or expired

(3) Under existing law, state agencies unable to utilize their allocation on public bonds, interest on which is exempt from federal taxation, are required to notify the Mortgage Bond Allocation Committee, which reallocates it to other state agencies or, if they are able to use the allocation, to local agencies

This bill would require each state agency, by March 1 of each year, to submit to the committee a plan for utilization of its bond allocation for the year and by October 1, a plan for its utilization of its bond allocation for the remainder of the year, and authorize the committee to reallocate, under certain circumstances The bill would also authorize the committee to reduce the allocation to a state agency which did not use substantially all of its previous year's allocation.

(4) Under existing law the local agency is required to file with the commission a certain notice relating to the qualified mortgage bonds it proposes to issue.

This bill would require additional information in the notice and would require that the notice contain certification from the local agency that it has on deposit in an interest-bearing trust account an amount, or contain certification that there is a letter of credit in an amount, equal to ½ of 1% of the dollar amount of qualified mortgage bonds being requested for allocation, which may be reduced under certain circumstances. The bill would require the local agency to forfeit the deposit in an amount equal to ¼ of 1% of the dollar amount of bonds allocated to the local agency but not sold within the time period specified, unless this requirement is reduced or waived by the committee under certain circumstances. Such amount would be for use by the local agency to assist in providing housing for persons of low- and moderate-income housing. The bill would also authorize the committee to continue in the next year any list from the previous year of notices filed by the local agency for the allocation of qualified mortgage bonds, with its consent.

The bill would also prohibit the committee from reducing, in order not to exceed either the local bond limit or the respective portions of the state ceiling reserved for entitlement and supplementary allocations, each local agency's request for an entitlement allocation below $20,000,000.

(5) Under existing law an allocation of qualified mortgage bonds to a local agency expires, unless sold, 180 days after being granted which may be extended under certain circumstances by the committee

This bill would require the expiration to be in 90 days which may be extended by the committee under certain circumstances. The bill would also authorize the committee to disapprove or reduce the allocation requested by a local agency which had not used substantially all of the allocations granted after March 1, 1982.

(6) Under existing law, a local agency may assign its allocation of funds, the interest on which is exempt, to its redevelopment agency, its housing authority, its joint powers agency or the California Housing Finance Agency to be used on behalf of the local agency

This bill would treat as separate allocations for the purposes of use and expiration, a local agency's assigned allocation to its redevelopment or housing agency and that portion of its remaining allocation.

The bill, with certain exceptions, would prohibit a local agency from assigning any part of its entitlement allocation to a joint powers agency unless the committee was previously notified that the allocation would be assigned The bill would also require the joint powers agency to notify the committee of the granting of an allocation to a joint powers agency or the formation of a joint powers agency under certain circumstances

(7) Existing law makes various provisions relating to the selling price and the authorization of mortgage and construction loans for housing developments, as specified

This bill would make these provisions applicable instead to residential structures.

(8) Under existing law, a city or county is authorized to have a home financing program which is required to include maximum income limitations. For purchasers that are not the first occupant, the income cannot exceed 120% of the median household income, except that 50% of the allocated funds are required to be for household whose income does not exceed the median household income which may be increased when the city or county makes certain funds, to 110% of the median household income.

This bill would require, for purchasers that are not the first occupants, that not less than 20% of the allocated funds be for households whose income does not exceed 110% of the median household income which may be increased when after 6 months the city or county makes certain findings, to 120% of the median household income. Participating lenders under an agreement with the legislative body would forfeit ¼ of their origination fees if unable to use 20% of the funds for households whose income does not exceed such 110% of the median income

The bill would also include the federal definition of a home improvement loan within the criteria for the income qualification for purchasers who are first occupants

These provisions would only be effective until July 1, 1983, except that they would remain applicable to loans made on or after July 1, 1983, with the proceeds of bonds issued prior to that date

(9) This bill would in addition repeal provisions governing the issuance of qualified mortgage bonds during the 1982 calendar year.

(10) This bill would take effect immediately as an urgency statute.

Ch 1453 (AB 2860) Torres Aging and long-term care.

Existing law provides for the Department of Aging which administers various programs to provide services to elderly persons

This bill would expand this department by creating the State Department of Aging and Long-Term Care, with the department to administer not only those programs currently administered by the department, but also health and social services programs which provide long-term care to and functionally impaired disabled individuals, as defined

The bill contains provisions relating to the organization of the department, including provisions for appointment of personnel The bill would provide that the department shall be divided into two divisions, a long-term care division, for administration of specified long-term care programs and an aging division for administration of all other programs within the department's jurisdiction

The bill also specifies the general powers and duties of the department

The bill provides that effective July 1, 1983, funds used for various segments of the current long-term care system for the elderly and functionally impaired, under specified programs, shall be appropriated to the Long-Term Care Consolidated Fund

The bill empowers the department to allocate money from this fund to community long-term care agencies for provision of long-term care services

The bill would require community long-term care agencies to assure provision of assessments to specified individuals in order to determine whether they are in need of long-term care services, and would allow assessments for other persons to be made under other circumstances and under specified conditions

The bill would require the department to designate and contract with the community long-term care agencies, after receiving recommendations from community long-term care task forces and would give the department direct authority to provide for long-term care services prior to that date

The bill would provide that the community long-term care agencies shall administer the provision of long-term care services

The bill also contains provisions detailing the scope of the long-term care services which shall be provided to elderly and functionally impaired disabled persons as defined The bill sets forth specified needs which shall be met by long-term care services

The bill contains requirements which the department and community long-term care agencies shall meet in carrying out their respective responsibilities for administering long-term care

The bill would require establishment of community long-term care agency advisory groups

The bill would provide that the Governor shall submit an action plan concerning the reorganization of the state structure provided for under the bill, as well as the consolidated fund

The bill would further specify that except for specified provisions, its provisions would not become effective until specified actions, including statutory approval of the Governor's action plan, have been taken

Existing law provides for the Multipurpose Senior Services program, under which pilot projects are funded in order to provide various types of services to elderly persons

Under existing law this program would be terminated on June 30, 1983

This bill would delete the provision terminating the program

The bill would further require the Health and Welfare Agency to develop a waiver proposal for submission to the federal government for provision of home and community based services as part of the Multipurpose Senior Service project

Existing law provides for the Medi-Cal program, which is governed and funded by both state and federal law, and which provides health care services to specified categories of low-income recipients

Existing federal law would allow the state to receive federal funding for providing home and community based services under the Medi-Cal program subsequent to approval of a plan by the United States Department of Health and Human Services

This bill would add to those benefits which are provided under the Medi-Cal program home and community based services, to the extent that a waiver from the federal government is received, enabling funding to be received for these services

Ch 1454 (AB 2585) Agnos Community care facilities

Existing law does not require the operators of licensed residential community care facilities to transmit by certified mail to the placement agency, parents, legal guardians, conservators, or patients' rights advocate, a copy of all notices received by the residential facility from the State Department of Social Welfare of deficiencies in compliance with, and violations of, the licensing laws which the facility has received within the latest licensure period

This bill would permit the department to send to the parents, legal guardians, conservators, clients' rights advocate, or placement agency, as specified, a copy of all notices sent to the facility by the department regarding certain complaints and code violations In the case of residential care facilities for the elderly, the department would be required to give such notification to the state ombudsmen in the Department of Aging and the local ombudsmen, if such exists Except for residential care facilities for the elderly where such notification would be required to be given to the state ombudsman in the Department of Aging, and the local ombudsman, if such exists, the bill would require the department to require the facility operators to transmit a copy of notices to these individuals in the case of certain violations

The bill would require the department to provide the names of the appropriate ombudsmen to residential care facilities for the elderly, and to notify a residential community care facility of its obligation when it is required to provide notification pursuant to these provisions

The bill would prescribe the penalties for nonconformance with these requirements.

Ch 1455 (SB 1930) Petris Health facilities

Under existing law, a licensee of certain health facilities who violates licensing provisions may be enjoined from permitting the violation to continue or sued for civil damages, as specified, in addition to any other remedy provided by law Existing licensing regulations contain a skilled nursing and intermediate care facility patient's bill of rights

This bill would permit a patient or resident of a skilled nursing facility or intermediate care facility to bring a civil action against the facility if his or her rights under this patient's bill of rights are violated, as specified The bill would provide that the licensee shall be liable for the acts of the licensee's employees

Ch 1456 (AB 1536) Berman Long-term health care facilities.

(1) Existing law authorizes the State Department of Health Services to provide consulting services upon request of any health facility to assist in the identification or correction of deficiencies or the upgrading of the quality of care provided by the facility

This bill would prohibit the use of the act of providing a plan of correction, the content of a plan of correction, or the execution of a plan of correction, in any legal action or administrative proceeding as an admission against the health facility, its licensee, or its personnel

(2) Nothing in present law authorizes public assumption of management of privately owned long-term health care facilities

This bill would authorize the superior court of the county in which a long-term health care facility, as defined, is located to appoint a receiver, who is a licensed nursing home administrator and who has sufficient background and experience in management and finances to ensure compliance with orders issued by the court, to temporarily operate the facility for not more than 3 months, which may be extended for additional periods, as specified, upon petition by the State Director of Health Services whenever circumstances exist indicating that continued management of the facility by the current licensee would present a substantial probability or imminent danger of serious harm or death to the patients The excess of the facility's income over its expenses would be paid monthly to the licensee during the receivership

This bill would provide that the receiver's salary be included in the expenses, unless the facility's revenues are insufficient to meet such expenses in addition to other operating expenses of the facility, in which case the salary would be payable from the General Fund To the extent state funds are advanced for the salary of the receiver or for other expenses in connection with the receivership, the bill would require that the state be reimbursed from the revenues accruing to the facility, or, if the revenues are insufficient to reimburse the state, would make the unreimbursed amount a lien upon the assets of the facility or the proceeds from the sale thereof The bill would provide that the lien shall not attach to the interests of a lessor, unless the lessor is operating the facility

The bill would authorize the court to order immediate payment to the receiver for services which have been rendered and not more than one month's advance payment to the receiver of any sums that will become payable under the Medi-Cal program and would require the court to provide for transfer of patients from the facility, where the licensee refuses to agree to a prescribed rehabilitation plan or the court finds that the facility either cannot be brought into compliance with state standards during the receivership or will not maintain compliance after termination of the receivership

This bill would provide that a receiver operating a long-term health care facility would be liable only for damages resulting from acts of gross negligence in the operation of the facility and intentional tortious acts The bill would provide that the state would be liable only for damages resulting from negligence of the receiver in the operation of the facility

Ch. 1457 (AB 2997) Felando State Long-Term Care Ombudsman for the Elderly

Existing law requires a long-term care facility or residential facility for elderly individuals to allow the Ombudsman of the Department of Aging and other persons or organizations appointed or approved by the department, to have access to the facility in order to investigate and resolve complaints of the elderly individuals who are patients or residents at the facility

This bill would repeal the law and enact new provisions establishing within the Department of Aging the Office of the State Long-Term Care Ombudsman Under the direction of a chief executive officer known as the State Long-Term Care Ombudsman, the office would investigate and seek to resolve complaints and concerns of patients, residents, or clients of long-term care facilities, as defined

In order to carry out this function, the State Ombudsman would be authorized to hear patient complaints, gain access to facilities and patient or resident records under specified conditions, institute court actions, and employ technical experts and other employees

The bill would require the Department of Aging to establish an 11-member advisory council to provide advice and recommendations to the office of the State Long-Term Care Ombudsman regarding the provision of ombudsman services

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch. 1458 (SB 1324) Mello. Senior Companion Program.

Existing law requires the Department of Aging to enter into a memorandum of agreement with the federal ACTION agency on establishing and expanding the Senior Companion Program in accordance with federal standards, as specified. The program provides volunteer community service opportunities to low-income senior adults (age 60 or over) for adults with specified special needs, in accordance with federal law, as specified. The program allows low-income senior adults to provide care and support to adults with special needs, as specified, and requires each senior companion to participate 4 hours a day, 5 days a week, but does not allow those persons receiving in-home supportive services to be assigned senior companions

Existing law provides that the provisions enacting the Senior Companion Program shall remain in effect only until January 1, 1983, and as of that date shall be repealed.

This bill would revise the provisions repealing the Senior Companion Program by extending its repeal date until January 1, 1988 The bill would also require the Department of Aging to submit a report to the Legislature by January 1, 1987, concerning the program

Ch. 1459 (AB 3219) Ivers Health facilities subacute care program

Existing law provides for various programs administered by state departments within the Health and Welfare Agency involving facilities providing long-term care

This bill would require the State Department of Health Services, by July 1, 1983, to establish a subacute care program, as defined, in health facilities to be available to patients in facilities who meet subacute care criteria Under this bill, the subacute care may be provided by any facility designated by the director as meeting the subacute care criteria and which has an approved participation agreement with the department Reimbursement at the subacute care rate would only be implemented when the annual Budget Act provides funds for this purpose The bill would also require the department to develop a rate of reimbursement, as specified, and to establish level of care criteria and appropriate utilization controls for patients eligible for the subacute care program

Ch. 1460 (AB 1022) Rosenthal Health care

Existing law specifies various acts which if committed by a licensed dentist constitute unprofessional conduct for which a licensee may have his or her license revoked or suspended or be reprimanded or be placed on probation

This bill would include within the acts which constitute unprofessional conduct the failure to report to the board in writing within 7 days either the death of his or her patient during the performance of any dental procedure or the discovery of the death of a patient whose death is causally related to a dental procedure

It also would make additional changes in Section 1680 of the Business and Professions Code, contingent upon the enactment and prior chaptering of AB 685

Under existing law, the State Department of Health Services has various powers and duties with respect to a statewide program of services for physically defective or handicapped persons under the age of 21 years, in cooperation with the federal government through its appropriate agency or instrumentality, for the purpose of developing, extending, and improving children's services Also under existing law, Resolution Chapter 122 of the Statutes of 1975 directed the State Department of Health Services to conduct a study of the feasibility and cost of various programs for testing newborns for hearing defects, and to develop a plan delineating what additional study must take place before a statewide plan could be implemented, and to determine a timetable for the further study and steps to be taken to implement the plan.

This bill would require the State Department of Health Services, in consultation with selected representatives of participating neonatal intensive care units, to establish a system to screen newborn infants at high risk for deafness and create and maintain a system of followup and assessment for infants identified by the screening in neonatal intensive care units participating in the California Children's Services Program. The screening would not be permitted where the parent or guardian of the infant objects that the tests conflict with his or her religious beliefs or practices

The bill would require the department to implement the system for infants in neonatal intensive care units participating in the California Children's Services Program

Existing law provides that women under 21 years of age shall be entitled to care in a licensed maternity home

Existing law further provides that the State Department of Social Services shall establish a policy of parental financial responsibility in the costs of providing maternity home care, as specified

This bill would instead provide that parents of women under 21 years of age domiciled in this state shall not be charged for the costs of care at a licensed maternity care home

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1461 (SB 595) O'Keefe Drug utilization and peer review committees

Existing law does not provide for the establishment of drug utilization and peer review committees to review standards of health practice under the Medi-Cal program

This bill would provide for the establishment of 2 of these committees as pilot projects in San Diego and Santa Clara counties, respectively. The bill would provide that the goal of these committees shall be to improve standards of patient care under the Medi-Cal program and would provide for specified functions for these committees in furtherance of that end

The bill would provide that each committee shall be provided up to $1,000 per month for administrative expenses, that committee members shall receive compensation of $200 per month, that committee members shall not be liable for their actions as committee members, and that information discussed at committee meetings shall be confidential

The bill would further provide that the State Department of Health Services shall, no later than July 1, 1985, submit a report to the Legislature evaluating the pilot program

The bill would provide for referral of recommendations for action from committees to the department and other appropriate agencies

The bill would appropriate $14,000 from the General Fund to the State Department of Health Services to implement the provisions of the bill.

The billing would provide that the pilot project would be of 2 years duration, but in no event would the projects extend beyond January 1, 1986, and the provisions of the bill would be repealed on that date unless a later enacted statute chaptered prior to that date extends or deletes that date.

Ch 1462 (AB 2723) L Stirling Audits direct service contracts

Existing law specifies the procedures pursuant to which departments within the Health and Welfare Agency may contract with private organizations for the rendering of services under a direct services contract

This bill would specify the procedures applicable to the financial auditing of direct service contractors. It would also make technical, conforming changes.

Ch 1463 (AB 3089) Kapiloff. State Lands Commission· powers and duties

(1) Under existing law, any person who fails to pay to the State Lands Commission any sum due within the time required by any lease or agreement is required to pay a penalty as prescribed in the lease or other agreement and, in addition thereto, interest in an amount not to exceed 1% of the sum due. Existing law also requires persons who

use or occupy any lands owned or controlled by the state under the commission's jurisdiction without a lease or other agreement, and who subsequently obtain a lease or other agreement providing for the payment of back rent, to pay the prescribed penalty and interest upon the sum which would have become due and payable had a lease or agreement been in effect

This bill would repeal those provisions and instead authorize the commission to adopt rules and regulations which provide for the payment of a penalty or interest, or both, by any person who fails to pay the commission any sum when due under a lease or agreement The maximum penalty permitted would be 5% of the amount due, and the maximum rate of interest permitted would be 1½% per month The bill would permit the commission to adopt rules and regulations providing for the nonassessment or waiver of the penalty or interest, or both

(2) Existing law authorizes the commission to permit geological or geophysical surveys on state lands

This bill would revise and recast those provisions The bill would delete certain obsolete declarations of legislative intent.

(3) Under existing law, the commission may, for specified purposes, include in any oil and gas lease a provision requiring the lessee to enter into a unit or cooperative agreement with respect to those lands.

This bill would permit the inclusion of such a requirement for the purpose of protecting adjacent landowners

(4) The California Environmental Quality Act generally requires the preparation of an environmental impact report for a project which may have a significant effect on the environment.

This bill would exempt from the act settlements of title and boundary problems by the commission and exchanges or leases in connection with those settlements

Ch 1464 (AB 3297) Wright Building permits

Under existing law, any state or local agency which issues building permits must require, as a condition of issuing any building permit where the working conditions of construction would require an employer to obtain a permit from the Division of Occupational Safety and Health, that the employer submit proof that the employer has received that permit from the Division of Occupational Safety and Health

This bill would authorize an employer to apply for a building permit prior to receiving the permit from the Division of Occupational Safety and Health

Ch 1465 (AB 3382) Cortese Property taxation

Existing law provides for various methods in assessing real property when changes in ownership occur

This bill would make various substantive and technical changes in those provisions dealing with changes in ownership, to be effective for the 1982–83 fiscal year with respect to any change in ownership occurring on or after March 1, 1975

Existing law requires that in the information transmitted to county officials, taxing agencies, and the State Board of Equalization by a redevelopment agency in connection with a proposed project in which there is to be a division of property taxes, and also in the report furnished to taxing agencies and the redevelopment agency by the county officials, there are to be included, respectively, a description and map indicating property outside the project area which is within 300 feet from the boundaries of the project and the total assessed valuation of that property shown on the base year assessment roll

This bill would eliminate the inclusion of that information which relates to the property outside the project area

Existing law requires persons owning taxable personal property with an aggregate cost of $30,000 or more to annually file a business property statement with the assessor

This bill would include locally assessable trade fixtures within the calculation of the cost amount requiring the filing of a property statement

Existing law requires appraisers, at the time of certification and annually thereafter, to disclose to the State Board of Equalization on its forms their financial interest in any corporation

This bill would permit the filing of a duplicate of a statement of financial interest required by the Political Reform Act of 1974 to serve as fulfillment of that requirement

Existing law provides for an assessment appeal procedure for state assessees in connection with an assessment of escaped property or a roll correction

This bill would permit an extended filing period for instituting a hearing for reassessment

Existing law relating to the state assessment of utilities, railroads, and private railroad car companies contains varying penalty, interest, and appeals procedure provisions

This bill would revise certain of the penalty and interest provisions and would standardize the appeals procedure provisions

Existing law relating to escape assessments discovered by audit for both state assessees and private railroad car companies make no provision for the handling of excessive assessments applicable to other years covered by the same audit.

This bill would permit excessive assessments discovered by an audit to offset escape assessments, including applicable penalties and interest, discovered during any year covered by the same audit.

Existing law requires a county assessor, upon discovery through audit that property had been overvalued for any cause, to notify the taxpayer that he or she may file for a refund.

This bill would extend this benefit to state assessees with respect to excessive assessments for any cause and would authorize the State Board of Equalization to correct the roll whenever an audit discloses that an overvaluation was made

Existing law permits the State Board of Equalization to exchange with other state tax officials various information, records, and appraisals relating to state-assessed railroad and utility properties of companies engaged in interstate commerce

This bill would provide a similar authorization for information, records, and appraisal data relating to private railroad car companies whose cars operate in interstate commerce

This bill would make additional changes, including increasing various interest rates, imposing a penalty for failure to file a property statement, and making specific corrections in erroneous sectional cross-references.

Existing law provides that on or after July 1, 1980, any mobilehome, with respect to which the license fee required to be paid under the Vehicle License Fee Law has been delinquent for a period of 120 days or more, shall no longer be subject to the provisions of that law, but, instead, shall be subject to the provisions of law governing local property taxation Existing law also prescribes a procedure under which owners whose mobilehomes have or will become subject to local property taxation because of those delinquent license fees may file a petition with the Department of Housing and Community Development, within a specified time period, to have those mobilehomes excluded from the application of local property taxation and have them made subject to the Vehicle License Fee Law. Existing law also specifies the respective duties of the county assessor and the Department of Housing and Community Development relating to the notification of assessees of their mobilehomes' subjection to property taxation and their rights regarding the reinstatement of those mobilehomes under the Vehicle License Fee Law.

This bill would increase the period for seeking reinstatement of mobilehomes to vehicle license fees, would transfer the above notification responsibility from the assessor to the department, and would revise the substance of that notification.

The bill would also impose a duty on the department to provide each county assessor with a monthly listing of those mobilehomes which are delinquent in license fees, new registrations of and title transfers to mobilehomes, and voluntary transfers of mobilehomes to property taxation

This bill would also permit a voluntary transfer of a mobilehome from vehicle license fees to property taxation, as specified

Existing law provides that mobilehomes which are sold new on or after July 1, 1980, or sold new before that date and are delinquent in the payment of vehicle license fees are subject to property taxation

Existing law also permits each county to provide for the reassessment of property which is damaged or destroyed by misfortune or calamity, as specified

This bill would permit owners of specified mobilehomes which are destroyed by a disaster declared by the Governor, on or after January 1, 1982, to have their replacement mobilehomes receive specified tax relief in connection with vehicle license fees or property taxation, provided the replacement mobilehome is comparable in size, utility,

and location to the mobilehome replaced

Existing law makes no provision for the refund of overpayments in connection with payments made to satisfy postponed property taxes

This bill would authorize the Controller to refund to the parties entitled thereto overpayments made in connection with payments to satisfy obligations secured by liens for postponed property taxes

Existing provisions of the Constitution adopted by the voters at the June 8, 1982, Direct Primary Election (Proposition 3) provide that, for purposes of assessing real property when a change in ownership occurs, a change in ownership does not include the acquisition of real property as a replacement for comparable property if the person acquiring the real property has been displaced from the property replaced by eminent domain proceedings, by acquisition by a public entity, or governmental action which has resulted in a judgment of inverse condemnation

This bill would implement the above constitutional provision by specifying that the adjusted base year value of the replacement property shall be the lower of its fair market value or the adjusted base year value of the replaced property and by specifying the manner and period in which requests for assessments of replacement property may be made.

Under existing law, certain property which is owned by a nonprofit corporation and leased to, and used exclusively by, government for its interest and benefit is exempted from property taxation, if certain conditions are met

This bill would specify that toll bridges are included in the definition of that property

This bill would also incorporate additional changes in Section 62 of the Revenue and Taxation Code proposed by AB 2718 if both bills are chaptered and this bill is chaptered last

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1466 (AB 1334) Torres Medi-Cal drug formulary

Existing law provides that, in order to reimburse pharmacies for furnishing prescription drugs to Medi-Cal beneficiaries, the Director of the Department of Health Services shall update the allowable drug product prices every 60 days, and the update shall include any prior change in price of which the director has received notice

This bill would provide that no regulation reducing allowable drug product cost reimbursement or removing a drug from the Medi-Cal drug formulary shall be operative until at least 30 days after eligible pharmacies have been mailed a notice of reimbursement limitation by the department or the fiscal intermediary

Existing law provides that the Medical Therapeutics and Drug Advisory Committee shall review drugs on the Medi-Cal drug formulary and make written recommendations to the director as to the addition or deletion of a drug from the formulary

This bill would provide that the committee shall meet at least semiannually to perform this function

SB 595 would provide for the establishment, under the Medi-Cal program, of pilot drug utilization and peer review committees which would have specified functions. One of these functions would be to refer cases to local physician peer review committees under specified circumstances

This bill would provide that if SB 595 is chaptered, if that bill contains the provisions relating to referral of cases to local physician peer review committees, and if this bill is chaptered after SB 595, the local physician peer review committees would be composed of persons licensed either under the State Medical Practices Act, or the Osteopathic Act

Ch 1467 (SB 1785) Foran. Subdivisions. in-lieu fees for park or recreational facilities.

(1) Existing law authorizes the legislative body of a city or county, by ordinance, to require dedication of land, or payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision or parcel map provided certain general conditions exist.

This bill would prohibit any dedication of land, or the payment of fees, or both, from exceeding the proportionate amount necessary to provide 3 acres of park area per 1,000 persons residing within a subdivision subject to such conditions, unless the amount of existing park area exceeds that limit, in which case a higher standard not to exceed 5 acres per 1,000 subdivision residents may be adopted by the local legislative body It would also require that the fees be payable at the time of the recording of the final map or at a later time as may be prescribed by local ordinance

(2) Existing law requires that the lands or fees, or combination thereof, be used only for the purpose of providing park or recreational facilities to serve the subdivision.

This bill would, instead, require that the lands or fees, or combination thereof, be used only for the purpose of developing new or rehabilitating existing park or recreational facilities to serve the subdivision.

(3) Existing law requires that the city or county develop a schedule specifying how and when it will use the land or fees, or both, to develop park or recreational facilities.

This bill would, instead, require that the city, county, or other local public agency to which the land or fees are conveyed or paid develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision.

(4) Existing law does not provide a credit for the value of any improvements or equipment located on dedicated land

This bill would require that if the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon be credited against the required payment of fees or dedication of land

(5) Existing law makes the provisions relating to the required dedication of land, or payment of fees in lieu thereof, or a combination of both, for park or recreational purposes inapplicable to, among other things, parcel maps for a subdivision containing less than 5 parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses

This bill would delete this exception and would, instead, make those provisions inapplicable to commercial subdivisions.

(6) Existing law does not provide for any credit for planned developments or real estate developments for private open space within the development

This bill would make such development, as defined, eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, for the value of private open space within the development which is usable for active recreational uses

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(8) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section; therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

Ch 1468 (AB 3302) Chacon. Solid waste management plans

(1) Existing law requires each county to prepare a solid waste management plan of specified contents, subject to approval by specified cities, regional planning agencies,

and the State Solid Waste Management Board Before the plan is submitted to the board, the plan is required to be submitted for review and comment to the regional planning agency for the region which is recognized by the Council on Intergovernmental Relations, and a county, under specified conditions, may also transfer responsibility for the preparation of the plan to the regional planning agency. The solid waste management plan does not supersede plans of any local jurisdiction unless there is an agreement by all parties concerned

Existing law also requires cities and counties to prepare and adopt general land use plans of specified contents

This bill would require, by July 1, 1984, a solid waste management plan to include an implementation schedule, which is defined as including approximate dates for the implementation of plan policies and programs and the establishment, expansion, and closure of a solid waste facility site

The bill would also delete the requirement that the regional planning agency be recognized by the Council on Intergovernmental Relations

The bill would prohibit the board from approving a county solid waste management plan, or approving a revision or amendment to that plan, unless the county, and any city in which a site is located, make a finding that the plan is consistent with all applicable city or county general plans, including that any site designated in the county waste management plan as a site for a solid waste facility is also designated in the applicable city or county general plan as such a site, and that the land uses authorized in the general plan adjacent to, and near, the site are compatible with the establishment and expansion of the site.

(2) Existing law also requires any person who proposes to become an operator of a solid waste facility to obtain a solid waste facilities permit from the enforcement agency designated by the county, except as specified An enforcement agency is authorized to issue, modify, or revise a permit if the board concurs in the granting of the permit and the permit is consistent with the county solid waste management plan and standards adopted by the board

This bill would prohibit the board from permitting the establishment or expansion of a site for a solid waste facility unless it is found by the city or county in which the site is located to be consistent, as specified, with the applicable general plan of the city or county in which the site is located A city or county would be required to find that the site is consistent with the general plan if certain requirements are met, including, among other things, that the site is designated in the applicable general plan as a site for a solid waste facility If an area is zoned for the siting of a solid waste facility designed to produce an alternative source of energy or reusable materials and if this zoning is consistent with the applicable city or county general plan, a city or county would be required to deem this area to be consistent with the general plan

The bill would prohibit an enforcement agency from issuing, modifying, or revising a solid waste facilities permit unless the city or county in which the site is located has issued a land use permit authorizing the establishment or expansion of the site

(3) The bill would prohibit a city or county from issuing a land use permit authorizing the establishment or expansion of a site for any solid waste facility unless the city or county in which the site is located has held a public hearing on the matter pursuant to those procedures requiring a public hearing for amending a general plan The bill would also specify that nothing in the provisions concerning consistency of a site with the general plan limits the authority of a city or county to amend its general plan to remove the designation of a site as a site for a solid waste facility

(4) The bill would also prohibit a city or county from authorizing any land use adjacent to or near a designated site for a solid waste facility which would restrict or preclude the establishment or expansion of the solid waste facility or site

(5) The bill would authorize counties and regional planning agencies to adopt a schedule of fees, as specified, payable by operators of solid waste facilities to pay for costs incurred for the preparation, maintenance, and administration of solid waste management plans, which are reasonable and necessary The bill would authorize a county to adjust the rates, upon a majority vote of the board of supervisors and the approval of a majority of the county's cities which contain a majority of the county's population

The bill would make other conforming changes

The bill would make legislative findings and declarations

(6) Existing law prohibits any person from establishing sites for solid waste disposal unless the county makes a finding that the distance from the site to the nearest residential structures is in compliance with all the state minimum standards for solid waste management.

This bill would also require the city in which the site is located to make this finding before a solid waste disposal site may be established.

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1469 (SB 1195) Presley Resources.

(1) Existing law generally requires private persons and governmental agencies to notify the Department of Fish and Game before engaging in a project that substantially diverts or obstructs the natural flow or substantially changes the bed, channel, or bank of any river, stream, or lake which has been specially designated by the department The department is required to submit a proposal to the person or agency to protect the fish and wildlife and the person or agency ultimately receives and accepts that proposal prior to engaging in the project. The Director of Fish and Game is authorized to establish a schedule of fees to cover the cost to the department of submitting the proposals The fees are deposited in the Fish and Game Preservation Fund.

This bill would repeal the above-stated provisions relating to fees and would instead authorize the director to establish a schedule of fees to be charged to any entity or person subject to the provisions generally relating to stream alteration The fees could not exceed an amount sufficient to meet ½ of the costs incurred by the department in performing its duties related to the above-stated requirements. The bill would also increase the funds appropriated to the department in the 1982–83 Budget Act from the Fish and Game Preservation Fund to offset the reduction in reimbursements received from permit fees

(2) Existing law provides for cancellation of a contract under the California Land Conservation Act of 1965 (Williamson Act), if a city, on a prescribed date, has within its boundaries 300 acres or less of land which are under contract.

This bill would, in addition, apply these provisions if an application for annexation to a city has been filed with that city and a petition for cancellation has been filed with the county within a designated time period, which, if approved, will result in the city having within its boundaries 300 acres or less of land which are under contract.

(3) Existing law authorizes the Department of Forestry to implement a program of urban forestry, as specified.

This bill would provide for the use, as prescribed, by the Department of Forestry of recipients of the Aid to Families with Dependent Children or General Assistance Program and inmates and wards assigned to conservation camps for the purposes of carrying out the program.

(4) Under existing law, any person qualified for membership on the California Coastal Commission because he or she holds a specified office as a locally elected official serves at the pleasure of the selecting authority. However, membership on the commission ceases when the member's term of office as a locally elected official ceases.

This bill would instead provide that the membership of such a member ceases 60 days after the term of office ceases or when a person has been appointed to fill the position by the appropriate appointing authority, if that occurs sooner. The bill would also enact specified notice requirements if a vacancy is expected to occur on the commission due to an expiration of a member's local term of office

(5) Existing law generally requires a majority vote of the members present at a meeting of the commission to take any action.

This bill would specify that the adoption of findings for any action taken by the commission requires a majority vote of the members from the prevailing side present at the meeting, with at least 3 of the prevailing members present and voting

(6) The bill would take effect immediately as an urgency statute.

Ch 1470 (SB 1387) Ellis Coastal zone boundary. coastal resource information center resource guide: development.

(1) The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined It requires, with prescribed exceptions, any person who is to perform or undertake any development, as defined, to obtain a coastal development permit authorizing the development which must be in conformity with the coastal resource planning and management policies set forth in the act. The areas included within the coastal zone are defined in the act for its purposes and shown on maps filed with the Secretary of State pursuant to designated provisions.

This bill would exclude approximately 2 acres in the City of Crescent City as specifically shown on a designated map filed with the Office of the Secretary of State, as prescribed.

(2) The act established the California Coastal Commission, with prescribed membership, powers, and duties, to administer the act

This bill would require the commission, not later than July 1, 1984, to establish a coastal resource information center and to prepare a guide to coastal resources. The bill would designate the center's functions and require it to produce reports and make them available to governmental agencies and the private sector, as prescribed. The bill would prescribe the content of the guide to coastal resources, and require that it be made available to the public at a reasonable cost.

(3) Under the act, the replacement of any structure, other than a public works facility, destroyed by natural disaster is exempt from the coastal development permit requirements.

This bill would, instead, exempt from the coastal development permit requirements of the act the replacement of any structure, other than a public works facility, destroyed by a disaster, as defined. As used in these provisions, structure would include landscaping and any erosion control structure or device which is to be similar to that which existed prior to the occurrence of the disaster

(4) The bill would take effect immediately as an urgency statute

Ch 1471 (AB 1418) Kapiloff Public lands acquisitions.

Under existing law, there is no special fund for financing acquisitions by the state of wetlands, marshes, overflowed and submerged areas, or adjoining areas

This bill would enact the Kapiloff Land Bank Act, create the Land Bank Fund, and would continuously appropriate moneys in the fund subject to a statutory trust to the State Lands Commission, acting as the Land Bank Trustee, to acquire real property or any interest in real property for the purposes of public trust title settlements and for mitigation, as defined, with respect to improvements to real property which adversely impact existing or former wetlands. The bill would authorize the trustee to purchase outstanding interests in tide and submerged lands whether or not they have been filled, diked, or cut off from tidal waters, lands which have been or may be converted to wetlands, or adjoining or nearby lands where the public use and ownership of the land is necessary or extremely beneficial for furtherance of public trust purposes, as specified. The bill would prescribe the method of acquisition of property by the trustee and specify related powers and duties. The bill would authorize the trustee to accept monetary payments as consideration passing to the state in title settlements, and would require the commission to expend such funds to acquire other property on behalf of the state in accordance with prescribed requirements. The bill would also provide for the deposit of mitigation donations to the fund by project applicants, as specified

The bill would make specified legislative findings and declarations, including that state policy requires the examination of mitigation measures for all projects having a potentially significant adverse impact on the environment, and that state law further requires the adoption of mitigation measures for projects having a significant impact on certain environmentally sensitive areas, including wetlands

Ch 1472 (AB 2887) N Waters. South Fork American River· instream beneficial uses.

Under existing law, the State Water Resources Control Board is required, in determining the amount of water available for appropriation for other beneficial uses, to take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources

This bill would authorize the Department of Water Resources, where a potentially

economically viable water supply development on the South Fork of the American River between Chili Bar Reservoir and the Salmon Falls Bridge which will meet local water needs would eliminate or substantially impair significant instream beneficial uses of water, to undertake cooperative studies with equal state-local cost sharing to determine whether there is an alternative solution which will meet the local water needs from a different source or location and which will preserve most or all of the instream beneficial uses on that part of the south fork. The bill would authorize the department, with regard to the South Fork of the American River between Chili Bar Reservoir and the Salmon Falls Bridge, to recommend to the Legislature that state financial assistance for the implementation of an alternative solution be provided under specified circumstances, would direct the department to undertake cooperative studies for the specified stretch of the American River, and would make related legislative findings

The bill would require the board, where the state so provides financial assistance, to give great weight in subsequent water rights proceedings to the preservation of instream beneficial uses preserved as a result of the state financial assistance, and would require a subsequent water rights permittee or licensee under specified circumstances to repay the amount of the state assistance.

Ch 1473 (AB 2752) Kapiloff. Air pollution: acid deposition.

(1) Existing law requires the State Air Resources Board to coordinate and collect research data on air pollution. The state board is required to administer and coordinate all air pollution research funded, in whole or in part, with state funds.

This bill would enact the Kapiloff Acid Deposition Act It would define the terms "acid deposition" and "acid deposition precursor" for purposes of state air pollution laws. It would designate the state board as the state agency responsible for implementing the act. It would prohibit the state board from adopting any rules or regulations to control acid deposition without further statutory authorization.

The bill would establish a State Agency Working Group on Acid Deposition and a Scientific Advisory Committee on Acid Deposition to advise and assist the state board in the design and implementation of a comprehensive research and monitoring program, which the state board would be required to design and operate to accomplish specified criteria. The scientific advisory committee would be required to review and evaluate research results and to review, prior to final action, any reports or recommendations adopted by the state The state board, with the advice and participation of the state agency working group and the scientific advisory committee, would be required to prepare and submit a report to the Governor and the Legislature not later than January 1, 1984, and annually thereafter, with respect to acid deposition activities under the act.

The bill would authorize the state board, beginning July 1, 1983, to require air pollution control districts and air quality management districts to impose additional variance and permit fees on nonvehicular sources, as specified, within their jurisdiction for recovering the costs of acid deposition monitoring and research required to provide the necessary scientific basis for issuing variances and permits for large sources of acid deposition precursors and for determining the feasibility of control measures and air quality management strategies The total additional fees collected by districts, less district administrative costs, would be limited to the amount appropriated by the Legislature for acid deposition research from the Motor Vehicle Account in the State Transportation Fund and the California Environmental License Plate Fund, but could not exceed $1,000,000 in the 1983–84 fiscal year and to $2,000,000 in any subsequent fiscal year, and would be required to be transmitted to the Controller for deposit in the Air Pollution Control Fund. The amount of fees that could be collected by the districts would be reduced proportionally if the Legislature appropriates a lesser amount to carry out the act

The above provisions would be repealed on January 1, 1988, unless a later statute enacted prior to January 1, 1988, deletes or extends that date.

(2) Under existing law, the money in the Air Pollution Control Fund is continuously appropriated to the state board to carry out its duties and functions.

This bill would make the money in the fund available only upon appropriation by the Legislature.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the

Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1474 (AB 3197) Tanner. Toxic waste materials· incineration.

This bill would make various legislative findings and declarations regarding the incineration of toxic waste materials, as defined, and would require the State Air Resources Board, in consultation with the affected air pollution control or air quality management districts and the State Department of Health Services, to report to the Legislature, on or before January 1, 1984, on specified topics relating to the emissions from the incineration of toxic waste materials The bill would also require the state board, in consultation with these districts and the department, after completing the study and after public hearings, to establish guidelines for the issuance of permits by the districts for the incineration of toxic waste materials, which would be required to take into consideration such factors as the characteristics of these toxic waste materials, methods or equipment available to control emissions, and specified applicable federal standards. The board would be required to note where these guidelines differ from the federal standards.

The bill would also specify that those provisions are not to be construed as preventing a district from establishing more stringent permit criteria or as limiting the department's authority concerning hazardous waste control.

Ch 1475 (AB 3717) Lehman. Recyclable materials theft.

Existing law does not specifically prohibit the removal of recyclable materials from a designated collection location

This bill would, except for an authorized recycling agent, as defined, prohibit a person from knowingly, as specified, removing recyclable material which has been segregated from other waste material, as defined, for the purposes of recycling and placed at the designated collection location, as defined in the bill

The bill would authorize a court to award treble damages to an authorized recycling agent in specified civil actions.

Ch. 1476 (AB 3495) Levine. South Coast Air Quality Management District: public adviser

(1) Existing provisions of the Lewis Air Quality Management Act require the Board of Directors of the South Coast Air Quality Management District to establish an office of small business assistance to provide administrative and technical services to small businesses seeking permits and variances.

This bill would, until January 1, 1989, designate that office as the office of public adviser and small business assistance and would require the office to also provide administrative and technical services to the public and to facilitate small business compliance with the district's rules and regulations and to facilitate the participation of small businesses in the development and adoption of rules and regulations

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1477 (AB 2580) Kapiloff. Fish. gill nets

Under existing law, gill nets may only be used pursuant to a permit issued by the Department of Fish and Game.

This bill would authorize the Director of Fish and Game, until January 1, 1985, pursuant to a specified review and hearing process, to restrict wholly or in part or regulate the use or construction of gill nets to protect a fishery resource that is being adversely impacted by the use of the nets. Regulations adopted under this process would have to

be submitted to the Chairman of the Joint Committee on Fisheries and Aquaculture for review 30 days before becoming effective.

Ch 1478 (AB 3493) Bosco Streamflow protection standards.

Under existing law, the State Water Resources Control Board is required to consider and act upon applications for permits to appropriate water in this state

This bill would require the Director of Fish and Game to identify and list the streams and watercourses in this state, meeting designated conditions, for which minimum flow levels need to be established in order to assure the continued viability of stream-related fish and wildlife resources. The bill would require the director to prepare proposed streamflow standards for each such stream or watercourse, as prescribed The bill would require the director, upon completion of the proposed streamflow standards for any individual stream or watercourse, to transmit these proposed standards to the board.

Ch 1479 (SB 1858) Marks State lands oil and gas leases

Under existing law, the State Lands Commission is generally prohibited from leasing for oil and gas purposes specified areas of state-owned tide and submerged lands Until March 1, 1975, this prohibition included all those tide or submerged lands situated in San Mateo, San Francisco, Marin, Sonoma, Napa, Alameda, Santa Clara, and Del Norte Counties, and all those tide and submerged lands situated in Solano and Contra Costa Counties except those situated east of the parallel Carquinez Bridges

This bill would prohibit leasing within those areas until January 1, 1995.

Ch. 1480 (AB 2281) Lehman Oil discharge reporting.

(1) Under existing law, any person who causes or permits any discharge in or on state waters of a hazardous substance, as defined, is required to notify, as prescribed, the Office of Emergency Services of the discharge in accordance with the reporting provision of the state toxic disaster contingency plan, except where there is immediate notification of an appropriate federal agency or the appropriate regional water quality control board

This bill would establish similar reporting requirements, in accordance with the state oilspill contingency plan, for the discharge of any oil or petroleum product The bill would provide that the reportable quantity for oil or petroleum products shall be one barrel or more, by direct discharge to the receiving waters, unless a more restrictive reporting standard for a particular body of water is subsequently adopted. The bill would make violation of the reporting requirement, except in the case of any person who is fined by the federal government for a failure to report a discharge, a misdemeanor punishable by a fine of not less than $500 or more than $5,000 for each day of failure to notify, or imprisonment of not more than one year, or both.

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1481 (AB 1349) Bosco Wild and scenic rivers

(1) Under the California Wild and Scenic Rivers Act, it is declared to be the state policy that certain rivers shall be preserved in their free-flowing state, together with their immediate environments

This bill would define "immediate environments" to mean the land immediately adjacent to rivers designated as components of the system

(2) Under the act, "free-flowing" is defined to mean existing or flowing in a natural condition without artificial impoundment, diversion, or other modification

This bill would delete "in a natural condition" from that definition and make related changes

(3) Under the act, the Smith River and all its tributaries from the Oregon boundary to the Pacific Ocean are included in the California Wild and Scenic Rivers System.

This bill would instead provide for the inclusion within the system of specified seg-

ments of the Smith River The bill would prohibit the construction of any dam, reservoir, diversion, or other water impoundment facility on specified tributaries of the Smith River excluded from the system, and would provide for related matters.

(4) Under the act, no dam, reservoir, or other water impoundment facility may be constructed on or directly affecting any river included in the system.

This bill would limit the restriction to a dam, reservoir, diversion, or other water impoundment facility constructed on any such river, and would redefine "river" for purposes of the act to include only the shoreline up to the first line of permanently established riparian vegetation.

(5) Under the act, as a general matter, no state agency may assist or cooperate with any federal, state, or local entity, in the planning or construction of any project that could have an adverse effect on the free-flowing, natural condition of the rivers included in the system.

This bill would limit this restriction to the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of the river segments included in the system.

(6) Under the act, the Secretary of the Resources Agency is required to classify rivers or segments of rivers included in the system as wild, scenic, or recreational, in accordance with specified criteria.

This bill would require the classification or reclassification of rivers or segments of rivers to be by statute, would revise and adopt as specified the classifications previously established by the secretary for all river segments within the system, and would permit the secretary to recommend legislation to classify or reclassify rivers, including specific land use restrictions relative to each classification

(7) Under the act, the Secretary of the Resources Agency is responsible for the administration of the system and is directed to prepare a management plan to administer the rivers for submission to the Legislature for its approval

This bill would delete the foregoing provisions and certain related provisions from the act. The bill would make the Resources Agency responsible for coordinating specified activities of state agencies with those of other state, local, and federal agencies.

The bill would declare that the act conveys no authority to adopt or implement any order, rule, regulation, guideline, or directive concerning land use regulation, as defined.

(8) The bill would also define "special treatment areas" for purposes of the act, provide for the responsibilities of timber operators and registered professional foresters regarding timber operations within those areas, make it a misdemeanor, with specified punishment, to commit violations of the provisions of the Z'berg-Nejedly Forest Practice Act of 1973, or of rules and regulations adopted pursuant thereto by the State Board of Forestry, regarding those operations, as well as impose civil penalties, and establish procedures for the issuance and extension of stop orders to prevent the continuation of those timber operations in violation of, or threatened violation of, the provisions of the Z'Berg-Nejedly Forest Practice Act of 1973 or of the rules and regulations adopted pursuant thereto, and provide for related matters.

(9) The bill would require the Resources Agency to conduct specified studies relative to the condition of the system and would require the Director of Fish and Game to conduct specified studies relative to salmon and steelhead habitat and the protection of fishery and wildlife values of the system.

(10) The bill would declare legislative intent relative to the effect of the bill on specified litigation and specified actions of the Secretary of the Interior.

(11) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1482 (AB 2440) N. Waters Small hydroelectric facilities.

Under existing law, the State Water Resources Control Board is required to consider and act upon all applications for permits to appropriate water and to do all things required or proper relating to those applications.

This bill would require the board to consider and act upon all applications for permits to appropriate water which propose, as a primary purpose of the application, the development of small hydroelectric energy facilities at an existing dam, canal, or conduit, up to and including 30 megawatts, or the development of any other hydroelectric facility with a generating capacity of 5 megawatts or less, within one year from the date a complete application and an instream beneficial use assessment have been filed, except that the assessment would not need to be filed if the streamflow regime will not be changed, and except that final board action could be continued for a reasonable time not to exceed one year under specified circumstances The bill would require every applicant to pay an application fee in an amount determined by the board to cover the reasonable costs of the board and the Department of Fish and Game in evaluating and processing the application The bill would make related declarations

The bill would apply to applications which are filed on or after the effective date of the bill.

The bill would take effect immediately as an urgency statute

Ch 1483 (AB 2513) Bosco Salmon and steelhead rehabilitation appropriation

Existing law authorizes the Department of Fish and Game to make grants to nonprofit organizations and political subdivisions of the state in return for their cooperation in salmon and steelhead rehabilitation along the north coast

This bill would also authorize the department to make these grants to Indian tribes The bill would also appropriate the amount equal to the unencumbered balance, as of January 1, 1983, of the $900,000 for the Cooperative Salmon-Steelhead Project contained in a specified item of the Budget Act of 1982 from the Renewable Resources Investment Fund to the department for the purpose of making these grants

Ch 1484 (AB 3132) Lehman Water· hydroelectric power

Under existing law, the State Water Resources Control Board is required to consider and act upon all applications for permits to appropriate water

This bill would require the board to expedite processing of applications or petition for retrofit hydroelectric plants at existing dams, canals, or conduits where the streamflow regime will not be changed and where there will be no significant adverse environmental impacts The bill would also provide that specified applications for hydroelectric powerplants shall receive expedited processing, and would specify in both cases that no need for the power generated must be shown by the applicant unless protests are filed that are not resolved

The bill would declare that it is state policy to support and encourage the development of environmentally compatible small hydroelectric projects as a renewable energy source, provided that the projects do not result in surface disturbances within certain specified sensitive areas. The bill would prohibit state agencies from approving small hydroelectric development within those areas, and would specify that significant adverse impacts associated with small hydroelectric projects shall be identified by those agencies responsible for the preparation of the environmental impact document

Ch 1485 (AB 2308) Bates. Property taxation exemption

Under existing law, for fiscal years 1972–73 through 1981–82, the so-called welfare exemption from property taxation includes property used exclusively for the preservation of native plants or animals, or biotic communities, or geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty, and which property is open to the general public subject to reasonable restrictions concerning the needs of the land and is owned and operated by a scientific or charitable fund, foundation or corporation, the primary interest of which is to preserve such natural areas.

This bill would make that exemption operative in certain cases for the 1983–84 through 1987–88 fiscal years.

Section 2229 of the Revenue and Taxation Code provides that the state shall reimburse local agencies for property tax revenues lost by classification or exemption of property for purposes of ad valorem taxation enacted by the Legislature

This bill would provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill

Ch 1486 (SB 1917) Keene Commercial fishing

(1) Existing law provides that the commercial production of marine life cultivated in closed water systems under a mariculture license issued by the Department of Fish and Game shall be considered a branch of the agricultural industry for the purpose of any law which provides for the benefit or protection of the agricultural industry of the state.

This bill would, generally, do the following

(a) Impose time limits as to certification of water quality, when examinations are conducted for public health purposes pursuant to designated provisions, to determine the safety of water for growing shellfish, as defined by the bill

(b) Delete the requirement that marine life cultivated in a closed water system be considered a branch of the agricultural industry

(c) Define "aquaculture" for the purposes of the provisions regulating employee safety

(d) Repeal provisions establishing the aquaculture advisory committee with a duty to assist the Department of Fish and Game in carrying out the provisions of the California Aquaculture Development Act

(e) (1) Define "aquaculture" for the purposes of the California Coastal Act of 1976, which provides for the planning and regulation of development within the coastal zone, as defined, based on the coastal zone resource planning and management policies set forth in the act

(2) Provide for a policy statement setting forth a priority in the use of land for coastal dependent aquaculture for the purposes of the act

(3) Require state agencies owning or managing land in the coastal zone to make land available for use in aquaculture, as specified.

(f) Modify income tax provisions dealing with tax preference items by exempting, from designated provisions, net farm loss as a result of aquaculture activities, and define "aquaculture" for these purposes.

(g) Specify that, except for the waters of Davenport Landing Creek, nothing in the bill shall be construed to permit or apply to ocean ranching of anadromous fish.

(h) Enact a comprehensive system to regulate the business of aquaculture including.

(1) Creation of an Aquaculture Development Section in the department

(2) Authorizing the Fish and Game Commission to prohibit the placement of specific species of plants or animals in designated waters of the state

(3) Authorizing persons to obtain brood stock for aquaculture from specified sources

(4) Authorizing the commission, as specified, to lease state water bottoms to any person for aquaculture

(5) Creation of a new Aquaculture Industry Advisory Committee, an Aquaculture Disease Committee, and an Interagency Committee for Aquaculture Development, each with specified membership and duties.

(6) Creating specific duties for the commission and the Director of Fish and Game regarding aquaculture disease control

(7) Prohibiting the importation of a live aquatic plant or animal into the state without the prior approval of the department.

(2) Under existing law, salmon may not be taken for commercial purposes except under a nontransferable, revocable permit issued by the department to a qualified individual, as specified

This bill would repeal the above-stated provisions and would create, until January 1, 1988, a new permit system which would provide the following

(a) Permits would be issued to vessel owners if the vessel had been used to take salmon commercially from 1980 to August 11, 1982, to natural persons who have, prior to August 11, 1982, constructed or purchased a vessel in anticipation of entering the salmon fishery, or to new entrants, as specified.

(b) Permits would remain with the vessel upon change of ownership and could not be transferred.

(c) The department would be required to set a fee to be charged for the permits which would be deposited in the Fish and Game Preservation Fund, a continuously appropriated fund, thus resulting in an appropriation

(d) The Commercial Salmon Fishing Review Board would be established in the department with specified membership and duties relating to the permit system

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1487 (SB 1632) Sieroty State park system concession contracts and operating agreements.

(1) Under existing law, the Department of Parks and Recreation is required, following classification or reclassification of any unit of the state park system and prior to development of any new facilities at any unit, to prepare a general plan consisting of specified elements

This bill would include as one of the elements of a general plan any proposed concession

(2) Existing law authorizes the department to enter into contracts with private parties to construct, operate, and maintain concessions within areas of the state park system and to enter into contracts with local agencies for the care, maintenance, and control of property for the state park system.

This bill would establish new and additional requirements with respect to procedures for the letting and approval of, and with respect to the provisions of, concession contracts and operating agreements entered into after January 1, 1983 The bill would also authorize the general plan for a unit of the state park system which is to be operated by a public agency under an operating agreement to be prepared by that agency or the department

(3) The bill would take effect immediately as an urgency statute

Ch 1488 (AB 3433) Kapiloff. Solid waste management

(1) Under existing law, counties are required to prepare county solid waste management plans, subject to approval by the majority of the cities in the county, as specified, and submit the plan to the State Solid Waste Management Board for approval. Before the plan is submitted to the board, the plan is required to be submitted for review and comment to the regional planning agency for the region which is recognized by the Council on Intergovernmental Relations, and a county, under specified conditions, may also transfer responsibility for the preparation of the plan to the regional planning agency

This bill would require, by July 1, 1984, a solid waste management plan to include an implementation schedule, which is defined as including approximate dates for the implementation of plan policies and programs and the establishment, expansion, and closure of a solid waste facility site The board would be required, on or before January 1, 1989, to review, after consultation with local officials, the adoption, application, and cost of the implementation schedules and report its findings to the Legislature The bill would also delete the requirement that the regional planning agency be recognized by the Council on Intergovernmental Relations

(2) Existing law requires each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city

Existing law also requires any person who proposes to become an operator of a solid waste facility to obtain a solid waste facilities permit from the enforcement agency designated by the county, except as specified An enforcement agency is authorized to issue, modify, or revise a permit if the board concurs in the granting of the permit and the permit is consistent with the county solid waste management plan and standards adopted by the board

This bill would prohibit the board from concurring in the enforcement agency's grant of a solid waste facility permit for the establishment or expansion of a solid waste facility site unless the city or county in which the site is located makes a finding that the site is consistent with the city's or county's general plan, as specified. A city or county would be required to find that the site is consistent with the general plan if certain requirements are met, including, among other things, that the site is designated in the applica-

ble general plan as a site for a solid waste facility A city or county would be required to deem an area zoned as a site for a solid waste facility designed to produce an alternative source of energy to be consistent with the general plan. The bill would also prohibit an enforcement agency from issuing, modifying, or revising a solid waste facilities permit unless the city or county in which the site is located has issued a land use permit authorizing the establishment or expansion of the site and unless the enforcement agency makes a finding that the permit is consistent with the applicable city or county general plan.

The bill would also prohibit a city or county from authorizing any land use adjacent to or near a designated site for a solid waste facility which would restrict or preclude the establishment or expansion of the solid waste facility or site

(3) Existing law authorizes cities and counties, in general, to develop general plans, regulate the use of buildings, structures, and land by means of zoning, and grant zoning variances and conditional use permits. Existing law requires the city's or county's planning commission and legislative body to hold a public hearing on any specific plan, regulation, or zoning ordinance, although the legislative body of a city or county may authorize the zoning administrator to decide applications for variances from the terms of the zoning ordinance without a public hearing on the application

This bill would prohibit a city or county from issuing a land use permit authorizing the establishment or expansion of a site for any solid waste facility unless the city or county in which the site is located has held a public hearing on the matter pursuant to those procedures requiring a public hearing for a general plan amendment. The bill also specifies that these provisions do not limit the authority of a city or county to remove the designation of a site by amending the general plan

(4) Existing law does not provide for a mediation process regarding the siting of a landfill facility

This bill would declare the intention of the Legislature to resolve landfill siting controversies by mediation and would require the board to encourage all parties to a landfill siting controversy to enlist the services of an impartial third party mediator to resolve the controversy

(5) The bill would authorize counties and regional planning agencies to adopt a schedule of fees, as specified, payable by operators of solid waste facilities, to pay for the costs incurred for the preparation, maintenance, and administration of solid waste management plans, which are reasonable and necessary

(6) The bill would also define terms, declare legislative intent, and make conforming changes

(7) The bill would also incorporate changes in Section 66780 of the Government Code, proposed by AB 3302, to be operative if both this bill and AB 3302 are chaptered and this bill is chaptered last

(8) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1489 (AB 2770) Sher Forest practices timberland zoning and timber operations

(1) Under existing law, privately owned land and land acquired for state forest purposes is zoned for a minimum 10-year period as timberland preserve and is valued for property taxation, in general, on the basis of its use for growing and harvesting timber only

This bill would entitle those provisions the California Timberland Productivity Act of 1982 and would add legislative findings, declarations, and intent statements with respect to the implementation of the provisions The bill would change name of a "timberland preserve zone" to "timberland production zone," would add as a compatible use of land zoned as timberland production a residence or other structure necessary for the management of a parcel in that zone and would define "nonconforming use" for purposes of those provisions The bill would also provide that timber operations conducted in a

timberland production zone pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, except as specified, shall not constitute a public or private nuisance.

(2) The bill would establish a procedure for the issuance of a stop order by the department to prevent the continuation of timber operations in violation of the Z'berg-Nejedly Forest Practice Act of 1973 or forest practice rules if it is determined the violation would result in imminent and substantial harm to resources, as specified.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1490 (AB 2378) Torres. Adult day health care

(1) Under existing law, the California Adult Day Health Care Act and the Adult Day Health Medi-Cal Law will be repealed January 1, 1983 Certain violations of these provisions are misdemeanors

This bill would continue the California Adult Day Health Care Act and the Adult Day Health Medi-Cal Law indefinitely. However, those provisions would only be operative in a fiscal year during which the budget act for that fiscal year provides funding for that purpose

(2) Existing law establishes an Adult Day Health Care Review Committee in the State Department of Health Services, with specified duties, including reviewing and making recommendations concerning individual proposals for original licensure of proposed adult day health centers

This bill would also require the committee to review and make recommendations on proposals for startup funds for such centers

This bill would also require the Director of Health Services to establish a district organizational entity within the State Department of Health Services which would have primary responsibility for the adult day health care program, and which would coordinate and direct all required departmental activities for adult day care

(3) Existing law permits the board of supervisors of any county to establish an adult day health planning council, which is required to be composed of specified members

The bill would require that an adult day health planning council include a member-at-large who has demonstrated an interest in alternatives to institutional long-term care, and that notice of intent to form ~~such~~* a council be submitted to local senior and other relevant interest groups within the area being served This bill would also authorize the board of supervisors to designate the area agency on aging advisory council as the adult day health planning council, with approval of the State Department of Health Services in consultation with the Department of Aging, in counties which have not established adult day health planning councils and where the board of supervisors governs the area agency on aging and the area agency on aging has demonstrated interest and commitment in alternatives to institutional long-term care, and where the area agency on aging advisory council includes specified representatives

(4) ~~Existing law requires~~ [Prior to the enactment of Chapter 327 of the Statutes of 1982 (S B 1326), existing law required]* that each application for a new license or renewal of a license for an adult day health center be accompanied by a fee determined annually by the Director of Health Services To the extent possible, these fees ~~are~~ [were]* required to be established so that applications ~~will~~ [would]* produce sufficient revenue to recover the costs of licensure ~~However, the~~ [The]* director, by regulation, ~~is~~ [was]* authorized to waive the fee or to reduce the fee to a nominal fee of $25 for renewal of a license for adult day health centers in which not less than 75% of the participants are Medi-Cal beneficiaries. ~~Existing law also prohibits~~ [However,]* any increase in the fees charged to other adult day health centers to compensate for such a waiver or reduction of fees [was prohibited]*

[Chapter 327 amended these provisions to establish specific statutory fees and to require the director to waive the fee or reduce the fee to $30 when the director determines that there is the expectation that not less than 50% of the participants during the period covered by the fee will be Medi-Cal beneficiaries or would be at risk of becoming

Medi-Cal beneficiaries should institutional long-term care be required.]*

~~This bill would eliminate the requirement that these fees, to the extent possible, be established so that applications will produce sufficient revenue to recover the costs of licensure, the authority of the director to waive or reduce the fee to a nominal fee, and~~ [Chapter 327 also eliminated]* the prohibition against any increase in the fees charged to other adult day health centers to compensate for ~~such~~* a waiver or reduction in fees

[This bill would eliminate the specific statutory fees and would require the director to establish these fees annually.]*

(5) Existing law exempts applicants which are funded to provide day care services pursuant to prescribed provisions of the Welfare and Institutions Code as of December 31, 1977, from a requirement of conformity with the adult day health plan for the county as a condition for licensure.

This bill would delete this exemption.

(6) Existing law requires, among other standards that must be met to obtain a certification as a provider of adult day health care under the Adult Day Health Medi-Cal Law and the Medi-Cal Law, that the provider be licensed as an adult day health center.

This bill would, instead, require that the provider have met all other requirements of licensure as an adult day health center

The bill would require all adult day health centers to maintain compliance with licensing and certification requirements

The bill would also require the State Department of Health Services and the State Department of Social Services to explore the feasibility of a dual licensing procedure for combined adult day health care and social day care centers

(7) Existing law provides that Medi-Cal certification for adult health care providers, and any renewal of certification, shall expire 12 months from the date of issuance

This bill would provide that initial certification shall expire 12 months from issuance, and renewal certification shall expire 24 months from the date of issuance.

(8) Existing law requires each adult day health care provider to maintain financial records and to submit an annual audit to the State Department of Health Services

This bill would instead require the provider to submit an annual financial review to the department, and would permit the department to require a limited or complete audit when specified monitoring activities reveal significant financial management deficiencies

(9) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1491 (AB 2596) Bosco Coyotes public lands toxic substances

Under existing law, the Director of Food and Agriculture may employ hunters and trappers to control or eradicate harmful predatory animals which are damaging livestock, agricultural crops, or standing timber

This bill would authorize the director to control, to employ hunters and trappers to control, or to contract with the county agricultural commissioner to control, coyotes which are found to exist on lands owned by the state, other than lands subject to the control of the Department of Parks and Recreation and other than ecological reserves established by the Department of Fish and Game, and are found to be causing damage on public or private land It would require the director to consult with and obtain the consent of the agency having jurisdiction over the public land and would require the director to submit an annual memorandum of understanding to the Director of Fish and Game for review and approval prior to implementing any coyote control program pursuant to these provisions

The bill would also authorize the director, upon making specified findings, to enter into an interdepartmental agreement with the Department of Parks and Recreation, approved by the Director of Fish and Game, in the case of state park property, and with the Department of Fish and Game in the case of ecological reserves, to control coyotes finding refuge on state park land or on an ecological reserve and causing damage to

nearby private property The bill would state that nothing in the act authorizes the use of Compound 1080 for predator control on public lands, state park lands, or in ecological reserves

Ch 1492 (SB 297) Garamendi Dead bodies Native American human burial and skeletal remains

(1) Under existing law, the Native American Heritage Commission is empowered to identify and catalog places of cultural significance to Native Americans

This bill would additionally empower that commission to identify and catalog known graves and cemeteries of Native Americans on private lands on or before January 1, 1984 The bill would authorize the commission to resolve disputes relating to the treatment and disposition of Native American human burials, skeletal remains, or items associated with Native American burials The bill would also require the commission, when it receives notification of Native American human remains by a county coroner, as prescribed, to notify the persons the commission believes to be most likely descended from the deceased Native Americans, as specified The bill would make it unlawful, on or after January 1, 1984, for any person to obtain and possess any Native American artifacts or human remains which are taken from a Native American cairn or grave

(2) Under existing law, specified documents and information of public agencies are exempt from disclosure under the Public Records Act

This bill would also exempt from disclosure under the Public Records Act records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1493 (SB 721) Presley Medi-Cal.

Existing law requires that all types of information, whether written or oral, concerning persons receiving public assistance under federal and state programs, as specified, is confidential and not open to examination other than for purposes directly connected with the administration of the Medi-Cal program, as specified

This bill would provide that upon request, the State Department of Health Services shall release to the Medi-Cal negotiator upon request all computer tapes and modifications thereto connected with the administration of the Medi-Cal program, and would require the department to make the minimum necessary modifications to those tapes prior to releasing them to ensure the confidentiality of the identity of all applicants or recipients of social services

Ch 1494 (AB 3645) Floyd Quarter horses and Appaloosa horses· owners' premiums

~~(1) Under existing law, owners' premiums for California/bred quarter horses and Appaloosa horses are paid to owners of horses who win races having a total purse value in excess of the average purse value for races during the previous year. Except for fair meetings, the maximum award in any one race may not exceed 10% of the total.~~*

~~This bill would instead require payment of owners' premiums for California/bred quarter horses and Appaloosa horses to owners of horses who win races having a total purse value in excess of the average purse value of races, other than stakes races, won by California/bred horses during the previous year. The maximum award in any one race would be increased to not more than 15% of the total.~~*

~~(2)~~* Under existing law, owners' premiums for California-bred quarter horses and Appaloosas for meetings other than fair meetings are limited to winners of races having a total purse value in excess of the average purse value for races conducted during the previous year and the maximum award to an owner in any race may not exceed 10% of the total. For fair meetings, owners' premiums for California-bred quarter horses and Appaloosas are limited to winners of races having a total purse value of $3,500 or more

This bill would instead limit payment of owners' premiums for California-bred quarter horses and Appaloosas at all meetings to winners of races having a total purse value in excess of the average purse value for races other than stakes races won by California-bred horses during the previous year. For meetings other than fair meetings, it would increase the maximum award to an owner in any race to not more than 15% of the total For fair meetings, it would authorize the officially designated organization administering the California-bred awards for quarter horses and Appaloosas, with the approval of the California Horse Racing Board, to make a deduction for expenses not to exceed 5% of the total awards fund For fair meetings, the period for distribution of owners' premiums for California-bred quarter horses and Appaloosas would be increased from 10 days to 30 days

~~(3)~~ [(2)]* The bill would incorporate changes in Section 19612 1 of the Business and Professions Code made by AB 2927 if both this bill and AB 2927 are chaptered and this bill is chaptered last

~~(4)~~ [(3)]* The bill would take effect immediately as an urgency statute.

Ch. 1495 (AB 3453) Lehman. Urban open-space and recreation grant program eligibility, recreation and park districts.

(1) Under the Roberti-Z'berg Urban Open-Space and Recreation Program Act, state grants are made to cities, counties, and districts for recreation or open-space purposes, or both

This bill would revise the definition of "districts" under the act to include any community services district in a nonurbanized area which is authorized to provide public recreation, and would thereby make an appropriation by expanding the possible recipients of grants for which moneys appropriated in the Budget Act of 1981 may be expended

(2) Existing law authorizes any incorporated or unincorporated territory which is within one county and is not in another recreation and park district to be organized and incorporated into a recreation and park district.

This bill would permit a recreation and park district to be composed of territory in one or more counties and would make conforming changes

(3) This bill would make additional changes in Section 5621 of the Public Resources Code proposed by SB 398 and SB 1427 to become operative only if this bill and SB 398, this bill and SB 1427, or all 3 bills are chaptered, and this bill is chaptered last

Ch 1496 (SB 1649) Russell Public Employees' Retirement System.

Existing law authorizes the Board of Administration of the Public Employees Retirement System, whenever it determines that there is in any account a temporary excess of assets over actuarial liabilities, to use all or any portion of that excess to reduce the employer's contributions for a time period determined by the board, prohibits the excess funds from being available for any other purpose, and repeals these provisions on June 30, 1984

This bill would specify that the account having a temporary excess of assets must be within an employer, would delete the prohibition on the excess funds from being available for any other purposes, and would change the date of repeal to June 30, 1983

Existing law requires that, operative July 1, 1982, income earned on the retirement fund, in excess of the interest credited to contributions during that year, be retained as a reserve against deficiencies in interest earned in other years, and against losses under investments

This bill, in addition, would require the retention of that income as reserve against court-mandated costs and specified actuarial losses

Existing law requires the board to contract annually with an independent actuary to analyze the actuarial assumptions earned by the board each fiscal year

This bill would instead require analysis of actuarial assumptions used in the preceding fiscal year, and would also require the board to adjust the transfers to the Investment Dividend Disbursement Account to reflect actuarial losses from any difference between assumed and actual salary increases made.

Existing law makes the operation of specified provisions of law contingent upon board action to reduce, for 1982–83, employer contribution rates, the reserve against deficiencies, and employer contribution rates by using specific interest earnings, as specified.

This bill would make the board action applicable specifically to state and school employers.

Existing law operative July 1, 1983, defines "net earnings" as the earnings of the retirement fund less the administrative expenses and the allocation to the reserve against deficiencies, and requires that contributions of the state, school employers, and contracting agencies be annually credited, instead, with interest at the net earnings rate compounded at each June 30th

This bill would change the operative dates of these provisions from July 1, 1983, to January 1, 1983.

This bill would take effect immediately as an urgency statute

Ch 1497 (SB 1827) Keene Quarter horses California-bred awards stallion awards

Existing law requires a licensee conducting a horseracing meeting to pay to the breeder of a California-bred horse winning a race an additional sum equal to 10% of the winning purse Any association conducting a quarter horse meeting is required to pay specified owners' premiums for California-breds winning at the meeting from the additional 3% deduction from its daily exotic parimutuel pools.

This bill would increase the percentage of the purse portion of the deduction to be used for quarter horse owners' premiums from 13 33% to 25%, would authorize payment of quarter horse owners' premiums for quarter horses placing second in qualifying races, would exclude stakes races from the list of qualifying races, and would increase the maximum award to an owner in any one race from 10% of the total awards fund to 15% for all meetings other than fair meetings

The bill would require any association other than a fair conducting a quarter horse racing meeting except a mixed breed meeting to deduct an additional 0.2 of 1% of the total amount handled in its daily conventional and exotic parimutuel pools for quarter horses The California Horse Racing Board would be required to designate the organization representing quarter horse horsemen to administer the bill and would authorize the organization, with the approval of the board, to make a deduction for expenses which does not exceed 5% of the total amount deducted. After deduction of administrative expenses, the remaining deduction would be used to pay quarter horse breeder awards and stallion awards as specified.

Ch 1498 (SB 358) Nielsen Public libraries

(1) Current law provides for a program of grants and reimbursements to specific qualifying library systems under the California Library Services Act

This bill would enact various provisions expressing the Legislature's findings, declarations, and intent with respect to the financial support of public libraries of the state in view of the fiscal difficulties facing public libraries brought about by the adoption of Article XIII A of the California Constitution

This bill would establish a method for computing state aid to each public library, as defined, for the 1982–83 fiscal year and each fiscal year thereafter For such purposes, the bill would prescribe a formula for computing the cost of the foundation program, as defined, for each public library An adjustment would be prescribed for the 1983–84 fiscal year and each fiscal year thereafter for inflation.

This bill would create the Public Library Fund The Controller would be required to apportion a specified amount to each public library from the Public Library Fund

This bill would appropriate from the General Fund to the Public Library Fund for the 1982–83 fiscal year and each fiscal year thereafter an amount necessary to meet the state's obligation under this bill

This bill would also require that books and library materials acquired or maintained by such a library as a part of the foundation program be made available to other public libraries without charge, except for restrictions applicable to the use of the materials by residents of the area normally served by the library

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state.

This bill would appropriate to the Public Library Fund the sum of $23,000,000 for the 1982–83 fiscal year, in lieu of the amount otherwise appropriated under the bill for that

fiscal year, to reimburse local agencies and school districts for certain costs mandated by the state pursuant to Section 6 of Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code.

(3) The provisions of the bill would become operative July 1, 1983

Ch. 1499 (AB 1257) Young Auctioneers and auctions.

Existing law does not regulate the practice of auctioneering nor the operation of auctions

This bill would enact the Auctioneer and Auction Licensing Act, would create the California Auctioneer Commission, and would make it unlawful, on and after July 1, 1983, for a person to act as an auctioneer or hold himself or herself out as an auctioneer or to operate an auction house or an auction company, as defined, unless licensed

The bill would create a public corporation known as the California Auctioneering Commission and would provide that all licensed auctioneers are to be members of the commission.

The bill would provide for a board of governors to be appointed by the Governor to administer the business of the commission, specify the powers and duties of the board, and vest in the board the power to administer the provisions of the act

The bill would provide for the licensing and regulation of persons engaging in the practice of auctioneering or operating an auction house or auction company, as defined

The bill would require an applicant for license as an auctioneer to file a $10,000 bond

The bill would create the Auctioneer Commission Fund and would continuously appropriate money in the fund to carry out the act

The bill would appropriate $12,000 from the General Fund to the commission for the purpose of implementing provisions of this act which sum is to be repaid to the General Fund, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Existing law authorizes county clerks to impose a fee for the filing and indexing of an auctioneer's bond at $2

This bill would delete that provision

Ch 1500 (SB 1662) Carpenter Fuel. taxes exemption

Under the Use Fuel Tax Law, a tax is imposed on diesel fuel at the rate of 7¢ per gallon

However, under the Mills-Hayes Act, a tax is imposed at the rate of only 1¢ per gallon on diesel fuel used by specifed public and private transit entities

Under the Motor Vehicle Fuel License Tax Law, a tax is imposed on gasoline at the rate of 7¢ per gallon. However, a refund is made of 6¢ per gallon of gasoline used in propelling passenger carrying vehicles to those entities required to pay only a tax rate of 1¢ per gallon on diesel fuel under the Mills-Hayes Act

This bill would include within the Mills-Hayes Act private entities providing public transportation services in vehicles other than buses, as specified

The bill states that its provisions are declaratory of existing law, as enacted by Chapter 1140 of the Statutes of 1978, and these entities would qualify for refunds from the operative date of that enactment

The bill would make an appropriation since refunds would be made from the Motor Vehicle Fuel Account in the Transportation Tax Fund, which account is a continuously appropriated fund

This bill would take effect immediately as a tax levy

Ch 1501 (SB 1401) Garamendi Public utilities gas. ammonia production.

Under existing law, the rates charged by public utilities, including gas corporations, are subject to regulation by the Public Utilities Commission, and existing law, in effect until January 1, 1983, requires that the rates for natural gas used in the production of ammonia be set at not more than 10% greater than the average price paid by a gas

corporation for all gas, except for sales of natural gas subject to the federal Natural Gas Policy Act of 1978

This bill would extend the termination date of these provisions to January 1, 1987, and would require the commission to report to the Legislature on or before March 1, 1986, on the effect of the bill on gas rates charged to ammonia producers and other gas customers The bill would also delete certain obsolete provisions.

Ch 1502 (AB 2634) Farr School districts Civic Center Act

(1) This bill would state the Legislature's intent to guarantee public access to school facilities, while at the same time acknowledging the limited resources of school districts and the need to assess a fee to offset all or part of significant costs resulting from the use of school facilities

(2) Existing law requires the State Department of Education to design, and the State Board of Education to approve, standardized forms, incorporating state and federal data collecting and reporting requirements in specified areas, to be used by employees who have a teaching credential or services credential authorizing pupil personnel, health, or librarian services, and to distribute the forms to local governing boards no later than January 1, 1983, for use in the 1983–84 school year Existing law also repeals these provisions on June 30, 1985

This bill would require distribution of the forms no later than January 1, 1984, for use in the 1984–85 school year, with the exception that the standardized forms to collect data on individualized education programs for children with exceptional needs, as specified, would still be distributed by January 1, 1983, for use in the 1983–84 school year. This bill would also repeal these provisions on June 30, 1986

(3) Under current provisions of the so-called "Civic Center Act," the governing board of a school district must generally provide the use of school facilities to specified types of community organizations free of charge An exception is provided in the case of entertainments or meetings where admission fees are charged or contributions are solicited, and the receipts are not expended for the welfare of the district's pupils or for charitable purposes In such cases, the governing board is required to determine and charge the fair rental value for the use of the schoolhouses, property, and grounds.

This bill would revise and consolidate the law relating to the use of school facilities by specified types of community organizations

Except as provided, this bill would require the governing board of a school district to provide free use of the district's school facilities or grounds to certain designated organizations and types of organizations. For any other use of school facilities, it would permit the governing board to charge an amount not to exceed its direct costs or not to exceed fair rental value, as defined, for the use of the school facilities. This bill would also require the governing board to first adopt a policy specifying which activities shall be charged, if it decides to levy these charges

This bill would specify that in the case of entertainments or meetings where admission fees are charged or contributions are solicited, and the net receipts are not expended for the welfare of the district's pupils or charitable purposes, a charge shall be made for fair rental value, as defined

The bill would require the Legislative Analyst to submit to the Legislature on or before March 1, 1984, a report on the practices of school districts with regard to charging fees under the provisions described in the two paragraphs above

(4) Existing law provides that lighting, heating, janitor service, services of persons when needed, and other necessary expenses connected with the use of school facilities pursuant to the "Civic Center Act" shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as similar services are provided for.

This bill would repeal these provisions.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1503 (AB 2561) Hart Schools instructional materials

Under current law, the State Board of Education is required to adopt instructional materials for use in elementary schools at least biennially for the governing boards Existing law specifies that the state board shall adopt not less than 5, but no more than 15, of specified types of instructional materials for each subject in each grade. However, less than 5 items per subject, per grade, may be adopted under certain circumstances.

This bill would require the state board to adopt not less than 5, but no more than 15, of specified types of instructional materials for basic instructional materials in each subject in each grade It would not limit the authority of the state board to adopt materials which are not basic instructional materials

Current law authorizes the state board to allow a district board to use its instructional materials' credits to purchase, through the Department of Education, other than state-adopted instructional materials if the state-adopted instructional materials are not promoting the maximum efficiency of pupil learning in the district.

This bill would delete the requirement that the purchase be made through the Department of Education

Current law requires the state board to make available to specified groups a listing of instructional materials, upon adoption

This bill would require that the most current unit cost, as specified, be included in the listing

Under current law, after the state board has encumbered part of the State Instructional Materials Fund for certain specified purposes, it is required to encumber the balance of the fund to, among other things, establish for each district board a credit with which instructional materials adopted by the state board may be ordered, and a separate cash allotment for use in purchasing instructional materials from any source, tests, or in-service training.

In addition to the separate credit and cash allotment, this bill would authorize the state board to allocate part of the balance of the fund to establish an allowance for each district board. Allowances would be apportioned to districts as part of a special purpose apportionment, and once received, they would be mandatorily deposited into a separate account, as specified This bill would permit these allowances, and any interest generated by them, only to be used to purchase state-adopted instructional materials, instructional materials from any source, tests, or in-service training, with that percentage of the allowance used for each purpose as the state board shall specify It would require that all of these purchases conform to law and the applicable rules and regulations adopted by the state board, and that the district superintendent provide the Superintendent of Public Instruction with written assurance of conformance Commencing September 1, 1984, the bill would authorize the Superintendent of Public Instruction to withhold a district's allowance for failure to file a written assurance for the prior fiscal year, and to restore the amount withheld once the assurance is provided.

Existing law requires district boards to order state-adopted instructional materials from the state board, as specified, and makes various provisions for the involvement of the state board, the Superintendent of Public Instruction, and other state departments in the acquisition, manufacture, printing, warehousing, and distribution of these instructional materials

This bill would also allow district boards to order state-adopted instructional materials directly from publishers and manufacturers, without the involvement of these state entities This bill would authorize the State Board of Education to adopt regulations concerning the purchase of instructional materials, including a procedure to review district invoices for instructional materials purchased with district allowances

This bill would also require the state board, in cooperation with the Department of General Services, to develop a procedure for the expeditious disposition of instructional materials warehoused, or proposed to be manufactured, by the Department of General Services prior to July 1, 1983 It directs the state board to charge against the cash allotment established for a district on or before June 30, 1983, the cost of certain specified materials ordered by that district prior to July 1, 1983, as part of that procedure.

The provisions of this bill would generally become operative on January 1, 1983, except for specified provisions which would become operative on July 1, 1983

This bill would require the Legislative Analyst in cooperation with the State Department of Education to review the instructional materials review process and to report

on increases in funding needed to support effective quality and legal compliance review processes, and would further require that any needed increase not exceed the administrative savings created by implementation of this bill.

This bill would state the legislative intent that the provisions of this act are not intended to cause the layoff of any permanent state civil service employees employed on a full-time basis

This bill would require the State Department of Education to submit an evaluation of this act, as specified, to the Legislature before January 1, 1986.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1504 (AB 2411) Costa Health planning: certificates of need

(1) Under present law relating to health planning, specified projects for new health facilities may not be undertaken unless the Office of Statewide Health Planning and Development issues a certificate of need for the project. The law specifies the process which must be followed in order to obtain this certificate

This bill would [require the office to]* exempt ~~those undertaking specified expansion projects of certain existing skilled nursing or intermediate care facilities from going through the specified~~ [from the provisions which establish the]* process [to be followed]* to obtain a certificate of need [, and to issue a certificate of need, for those projects where the applicant has shown, and the office director has found, that the project is to add not more than 10 beds to an existing skilled nursing or intermediate care facility that participates in Medi-Cal programs]* if certain conditions are met. This bill would permit only one of these exemptions each ~~fiscal year~~ [12 month period]* to a facility, and no more than 2 exemptions to any facility. The bill would require the office to submit a report on the number of beds added under these provisions to the Legislature by January 1, 1984.

The provisions of this bill would remain in effect until January 1, 1985, and as of that date are repealed, unless otherwise extended or changed by a later enacted statute.

(2) This bill would take effect immediately as an urgency statute.

Ch 1505 (AB 2984) Goggin Criminal procedure

Under existing law, the magistrate at a preliminary hearing is required to exclude all unexamined witnesses and to cause witnesses to be kept separate and to be prevented from conversing with each other until all are examined

This bill would require the magistrate to order witnesses not to converse with each other until all are examined, and would provide that the magistrate may order witnesses to be kept separate from each other until all are examined.

Under existing law, an indictment or information is required to be set aside by a court in designated circumstances.

This bill would authorize a court, in lieu of setting aside the indictment or information, to remand the cause for further proceedings if the errors alleged could be expeditiously cured or corrected or order further proceedings to correct minor errors

This bill would incorporate additional technical changes in Sections 871.5 and 1538.5 of the Penal Code as amended by Senate Bills 1743 and 1744, respectively, to be operative only if this bill is chaptered after those bills, as specified.

Ch. 1506 (SB 1941) Ayala. Planning community facilities plan.

Existing law does not specifically authorize a city, county, or city and county to adopt a community facilities plan which specifies the new public facilities to serve residential, commercial, and industrial developments within a defined area and the financing and construction schedule of those facilities.

This bill would permit a city, county, or city and county to adopt a community facilities plan

The bill would permit a city, county, or city and county and a state agency to enter into an agreement to coordinate the priority or allocation of state funds to the city, county, or city and county for state construction projects in order to implement the

financial component of the plan The bill would also prohibit any state agency, as defined, and with one specified exception, from altering, deferring, or denying priority or allocation of state funds or construction once such an agreement is executed, or if a state agency adopts its priority list consistent with a plan adopted by a city, county, or city and county or a city, county, or city and county adopts a plan which is consistent with a priority list adopted by a state agency, except where necessary for reasons beyond the control of either agency. The bill would authorize a local agency to enter into an agreement with any other local agency for the allocation of ad valorem taxes for the purpose of implementing the financial component of the plan, as specified

Ch. 1507 (AB 3019) Elder Subsurface installations

(1) Existing law authorizes certain local governments, as specified, to require by ordinance that public utility companies and other owners or operators of subsurface installations within public streets become members and share in the costs of a regional notification center providing advance warning of excavations close to existing installations

This bill would repeal those provisions operative July 1, 1983, and, instead, would require all owners, except the Department of Transportation, of subsurface installations, as defined, to become members of a regional notification center, as defined The bill would provide that owners of subsurface installations who are members of certain specified organizations on or after July 1, 1983, shall be deemed to be in compliance with the provisions of the bill It would require any person planning to conduct any excavations to contact the appropriate regional notification center at least 2 working days prior to commencing the excavations, if the excavations would be conducted in an area which is known, or reasonably should be known, to contain subsurface installations The bill would also provide that any person planning to conduct any excavation in a private easement may contact the appropriate regional center if the private easement is known, or reasonably should be known, to contain subsurface installations The bill would require the regional notification center to provide an inquiry identification number, as defined, to the person who contacts the center and to notify any member of the center, if known, who has a subsurface installation in the area of the proposed excavation The bill would also require these provisions to be applicable to state and local agencies, as defined, which own or operate subsurface installations

The bill would provide that no permit to excavate issued by a state or local agency, as defined, including the state Department of Transportation, would be valid unless the applicant has been provided an inquiry identification number by a regional notification center

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1508 (AB 3498) Tucker. Medical Assistance Program claims processing

Existing law provides for the Medical Assistance Program, under which health care providers are reimbursed for services provided to low-income and indigent recipients, subsequent to submitting claims to a state fiscal intermediary for claims processing

The bill provides that commencing with future contracts for the provision of fiscal intermediary services under the Medical Assistance Program, each contract shall provide for an automated system for verification of eligibility of program recipients.

The bill would provide that where eligibility has been verified through use of this system, as specified, no other method shall be needed for a provider to verify a recipient's eligibility.

The bill provides that other eligibility systems shall be implemented by the Director

of Health Services until the automated system can be proven effective in at least 97% of tested cases.

The bill provides that the automated eligibility system provisions would not apply to dental services contracts

Ch 1509 (SB 926) O'Keefe Education community colleges, special taxes: schoolbuses

(1) Under existing law, a district, including a community college district, may impose special taxes upon approval of ⅔ of the votes cast by voters voting upon the proposition.

This bill would limit the special taxing authority of community college districts to those taxes for the purposes specified in the bill. The bill would provide that the revenue from those taxes shall not reduce, nor be included in calculations for, any general state aid apportionments to the district

(2) Existing law authorizes the Department of the California Highway Patrol to adopt regulations governing the issuance of schoolbus drivers' certificates.

This bill would require the Department of the California Highway Patrol to prepare and submit to the Legislature, on or before July 1, 1983, a report thoroughly reviewing the current behind-the-wheel training requirements of schoolbus drivers, which report is required to include findings and conclusions on the advisability and validity of the requirement on behind-the-wheel training.

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1510 (AB 1799) Robinson Civil procedure.

Under existing law the defendant may move for a judgment of nonsuit at designated stages of a civil trial. If the motion is granted, it operates as an adjudication on the merits

Under existing law, any party may move for summary judgment if it is contended that the action has no merit or that there is no defense thereto

This bill would provide that in personal injury or property damage cases, if a motion for nonsuit or for summary judgment is granted on the basis that the defendant was without fault, designated persons in the same action, as in a case involving multiple defendants, may not attempt to attribute fault to the person in whose favor the motion is granted or make comments on specified matters

Ch 1511 (AB 1646) L Stirling Courts

Under existing law, state trial courts are comprised of justice courts, municipal courts and superior courts.

This bill would, operative upon the adoption of Assembly Constitutional Amendment No. 36 by the people and the approval by the voters of San Diego County of a specified ballot measure proposed by the board of supervisors, create a unified superior court in San Diego County, merging the municipal and superior courts in San Diego County. The bill would also authorize the creation of a unified superior court in other counties, as specified. The bill would make related changes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1512 (AB 2993) Imbrecht Courts.

Under existing law, state trial courts are comprised of justice courts, municipal courts and superior courts

This bill would, operative upon the adoption of Assembly Constitutional Amendment

No. 36, by the people, the enactment of Assembly Bill No 1646, the adoption of a specified resolution by the board of supervisors, and the approval by the voters of Ventura County of a specified ballot measure proposed by the board of supervisors, create a unified Superior Court in Ventura County, merging the municipal and superior courts in Ventura County, and would specify that, upon a stated contingency, in Ventura County the county clerk shall be the ex-officio clerk of the unified superior court The bill would make related changes

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1513 (SB 1978) Vuich. Hospital districts

(1) There is in existing law the Local Hospital District Law which provides for the organization, incorporation, and management of local hospital districts to carry out specified functions by a board of directors elected by the voters of the district. Existing law specifies provisions relating to the qualifications and service of members of the board of directors of a hospital district, including (1) requiring the term of any member of the board expire if that member is absent from six consecutive regular meetings or from five or more of any eight consecutive meetings of the board, (2) requiring the board of hospital directors to meet on the first Monday subsequent to 30 days after the completion of organization of the district and to organize by the election of one of their members as president, (3) authorizing the payment of $50 per meeting not to exceed two meetings per month as compensation to each member of the board, and (4) requiring all of the sessions of the board of directors, other than hearings on the reports of the hospital medical audit committee, to be open to the public.

This bill would revise the qualifications and service of the members to (1) terminate the term of any member who is absent from three consecutive regular meetings or from three of any five consecutive meetings of the board, (2) initiate organization by the board by the election of one of their members as chairperson or member, (3) authorize the payment of not more than $100 per meeting for not to exceed four meetings per month as compensation to each member of the board, and (4) require all sessions of the board, other than those meetings ordered private by the board and hearings on the reports of the hospital medical audit or quality assurance committee, to be open to the public

(2) Existing law authorizes the board of directors of a hospital district, by resolution, to dispose of any surplus personal property of the district which has a value of less than $1,000 by any method determined appropriate by the board

This bill would authorize the board to dispose of any surplus property at fair market value and would further authorize the board to donate or sell at less than fair market value any surplus property to another local hospital district within the state.

(3) Under existing law, the board of directors may borrow money or credit from private or public lenders for the purpose of securing state insurance of financing for the construction of new health facilities, the expansion, modernization, renovation, remodeling and alteration of existing health facilities, and the initial equipping of those facilities under the California Health Facility Construction Loan Insurance Law

This bill would authorize the board to borrow money or credit, or issue bonds for the above-described purposes.

(4) Existing law requires the board of directors to let any contract involving an expenditure of more than $5,000 for work to be done or for materials and supplies to be furnished, sold, or leased to the district, to the lowest responsible bidder, as prescribed. Existing law also provides that the requirement is inapplicable to medical or surgical equipment or supplies or to professional services.

This bill would require the board to let any contract involving an expenditure of more than $10,000 for such work go to the lowest responsible bidder and would additionally make these requirements inapplicable to data processing programs or software.

(5) Existing law requires the board of directors to annually furnish to the board of

supervisors and county auditor of the county in which the district is situated an estimate, in writing, of the amount of money necessary to be raised by taxation for all purposes required under the Local Hospital District Law for the next ensuing fiscal year.

This bill would repeal those requirements

(6) Existing law authorizes a local hospital district to issue revenue bonds pursuant to the Revenue Bond Law of 1941

This bill would exempt hospital districts from the provisions of the Revenue Bond Law of 1941 which specify the authorization of bonds The bill would also specify provisions under which these bonds may be issued, as prescribed

(7) This bill would incorporate additional changes in Section 32121 of the Health and Safety Code, proposed by SB 2012, to be effective only if SB 2012 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

Ch 1514 (AB 2760) L Stirling Schools· classified employees.

(1) Existing law prescribes the duties and responsibilities of the personnel director of a school district or office of a county superintendent of schools and the personnel director of a community college district.

This bill would require the personnel director of any of the above-specified entities to be free of prejudgment or bias in order to ensure the impartiality of the personnel commission

(2) Existing law requires the personnel commission of a community college district to prescribe and amend rules necessary to effectuate the purposes of existing law, and provides that the rules shall be binding upon the governing board. Similar provisions of existing law require the personnel commission of a school district to interpret, as well as prescribe and amend, such rules.

This bill would require these personnel commissions, prior to adopting a rule or amendment which would affect classified employees who are represented by an exclusive bargaining representative, to give both the exclusive bargaining representative and the community college or public school employer reasonable notice of the proposal.

(3) Existing law requires the personnel commission of a school district and the personnel commission of a community college district to classify all employees and positions within the jurisdiction of the district's governing board or of the commission, except those which are exempt from the classified service, as specified Existing law also provides for the reclassification of positions to a higher class by a personnel commission, as specified

This bill would require a personnel commission, prior to adopting a position classification or reclassification plan, to give both the exclusive bargaining representative and the public school or community college employer reasonable notice of the proposed plan.

(4) This bill would incorporate additional changes in Section 88080 of the Education Code, proposed by AB 3386, to be operative only if AB 3386 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(6) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1515 (AB 3477) Bosco. Criminal sentences

Existing law provides that when any person is convicted of 2 or more felonies and a consecutive term of imprisonment is imposed, the aggregate term of imprisonment is the sum of the principal term which is the greatest term imposed for any of the crimes, and the subordinate terms for the consecutive offenses, and any additional term based

on prior convictions, as specified The subordinate term consists of ⅓ of the middle term of each other felony The total of the subordinate terms may not exceed 5 years for consecutive offenses which are not "violent felonies" as defined and enhancements, as specified, are excluded. Kidnapping is not one of these violent felonies

This bill would provide that in the case where a person is convicted of 2 or more offenses of kidnapping, as defined, involving separate victims and separate occasions and a consecutive term of imprisonment is imposed, the subordinate term for each subsequent kidnapping conviction shall consist of the middle term for each kidnapping rather than ⅓ of the middle term, and ⅓ of any enhancements, as specified, shall be included in the aggregate term. The 5-year limitation on subordinate terms would not apply to subordinate terms for second and subsequent kidnapping convictions involving separate victims and separate occasions

This bill would take effect immediately as an urgency statute.

Ch. 1516 (SB 1970) Marks Redevelopment

Under the Community Redevelopment Law, redevelopment agencies may issue revenue bonds and make loans for residential construction within a redevelopment project area or residential construction of residences for eligible persons or families

This bill would include within the purposes for which the loans may be made, loans for residences located within targeted areas, as defined.

This bill would take effect immediately as an urgency statute.

Ch 1517 (SB 1757) Sieroty. Fine art.

Existing law establishes the rights and duties of an artist with respect to the owner of a building who wishes to remove a work of fine art which is part of a building which can be removed without substantial harm to the fine art.

This bill would revise such rights and duties, as specified.

Existing law prohibits any person, except an artist who owns and possesses a work of fine art of his or her own creation, from intentionally committing or authorizing another to intentionally commit, as specified, any physical defacement, mutilation, alteration, or destruction of a work of fine art. Existing law also permits the artist to seek specified judicial relief in a court action to enforce these rights and duties

This bill would permit an organization, acting in the public interest, to bring an action to preserve or restore the integrity of a work of fine art, as defined, from specified acts of physical defacement, mutilation, alteration, or destruction, except that an action would not be authorized when a building is to be demolished, remodeled, or reconstructed and a work of fine art cannot be removed from real property without substantial defacement, mutilation, alteration, or destruction. The bill also provides for applicable time periods and definitions.

The bill would provide for the removal of a work of art which is part of real property, in designated circumstances

The bill would incorporate additional amendments proposed by AB 3299, contingent upon the prior enactment of AB 3299.

Ch. 1518 (AB 2608) Sebastiani Crimes.

Existing law sets forth various offenses that, when violated, constitute crimes against real or personal property. Such offenses include, but are not limited to, arson, burglary, forgery, embezzlement, extortion, and false pretenses

This bill would provide that the prosecuting attorney may, in his or her discretion, assist in the civil resolution of violations of the prohibited conduct in lieu of filing a criminal complaint

Existing law prohibits writing a check or other specified instrument without sufficient funds, knowingly and with intent to defraud. If the total amount of all such checks or other instruments does not exceed $100, the offense is punishable only by imprisonment in the county jail for not more than one year as specified

This bill would increase the total amount of such insufficient funds checks, for which imprisonment in the county jail for not more than one year is the only punishment, to $200.

Existing law prohibits the admission of evidence that a person has offered to furnish money or services to another who has or claims to have sustained or will sustain loss or

damage to prove the offerer's liability for the loss or damage.

This bill would provide that evidence of an offer for civil resolution of a violation relating to writing a check or other instrument without sufficient funds, knowingly and with intent to defraud is not admissible in any action

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1519 (AB 2735) Moore. Cable television: privacy

(1) Existing law does not expressly prohibit a cable television corporation from (1) using any electronic device to record, transmit, or observe events or listen to, record, or monitor conversations which take place inside a subscriber's residence, workplace, or place of business; or (2) providing any person with individually identifiable information regarding a subscriber

This bill would expressly prohibit the actions described above by any cable television corporation, as defined, would generally prohibit a cable television corporation from making individual subscriber information available to governmental agencies; would require a cable television corporation to make any individually identifiable subscriber information gathered by the company available to the subscriber, upon request, would make the violation of these prohibitions by any person a misdemeanor punishable by a specified fine or imprisonment in the county jail, or both, would permit any aggrieved person to commence a civil action for damages for invasion of privacy; and would specify that the above remedies and penalties are cumulative.

The bill would require a cable television system to inform subscribers, upon application for cable television service, including interactive service, as defined, of the provisions of law added by this bill and would specify that the provisions of the bill are intended to establish minimum state standards for the protection of the privacy of subscribers

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1520 (AB 3802) Farr Preneed funeral arrangements: public assistance recipients

Existing law provides that, for purposes of determining the eligibility of a person for aid to families with dependent children, up to $1,000 of the aggregate value of various specified preneed funeral arrangements shall not be regarded as a resource of the person seeking aid. Existing law relating to the state supplementary program, under which cash grants are paid to aged, blind, and disabled persons, does not expressly provide that any amount of a preneed funeral arrangement shall be disregarded as a resource when determining the eligibility of a person seeking aid.

This bill would provide, instead, that, for purposes of determining the eligibility of a person for aid to families with dependent children as well as for the state supplementary program, up to $1,800, or the dollar limit imposed by federal law, whichever is lower, of the aggregate value of specified preneed funeral arrangements, including an irrevocable trust created by a deposit in an insured savings institution made by one person of his or her own money in his or her own name as trustee for a funeral director to provide payment for funeral services rendered by the funeral director upon the depositor's death, shall not be regarded as a resource of the person seeking aid.

The bill would also make conforming changes.

This bill would incorporate additional changes in Section 7737 of the Business and Professions Code, proposed by AB 3575, to be operative only if this bill and AB 3575 are

both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last These changes would become operative on the effective date of AB 3575.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act.

The bill would take effect immediately as an urgency statute.

Ch. 1521 (AB 2622) Harris Decedents' estates. investment.

Existing law authorizes the executor or administrator, pending the settlement of an estate, without prior court authorization, to invest and reinvest in direct obligations of the United States maturing not later than 1 year from the date of making the investment or reinvestment

This bill would also authorize the executor or administrator, without prior court authorization, to invest or reinvest in mutual funds comprised of those direct obligations of the United States or of repurchase agreements with respect to any obligation, regardless of maturity, in which the fund is authorized to invest, and would authorize the executor or administrator to so invest without advising the persons affected by the proposed action of his or her intention to take such action

Existing law authorizes the investment of money in a decedents' estate in common trust funds, either pending the settlement of the estate or at the time of settlement, following a showing of good cause in a petition to the court by the executor or administrator of the estate.

This bill would permit the administrator or executor to make such an investment in trust funds when the settlement of the estate is pending without court authorization

Existing law authorizes the guardian or conservator of an estate, without prior court authorization, to invest funds of the estate in direct obligations of the United States or of this state having a maturity at the time of acquisition of not more than 5 years

This bill would also authorize the guardian or conservator, without prior court authorization, to invest in mutual funds comprised of those direct obligations of the United States or of this state or comprised of repurchase agreements with respect to any obligation, regardless of maturity, in which the fund is authorized to invest

Existing law provides that investment of proceeds of sales and any other money of an estate by a guardian or conservator requires court authorization, except for certain specified investments.

This bill would authorize a guardian or conservator to invest estate moneys in a common trust fund, as specified, without court authorization

Ch 1522 (AB 3489) Imbrecht Civil actions judicial arbitration

Existing law requires or authorizes specified civil cases in certain superior courts, contingent upon the number of judges in the superior court in any particular county, to be submitted to arbitration if the amount in controversy, in the opinion of the court, will not exceed $15,000, and requires certain courts to provide by rule for a uniform system of arbitration in certain cases where the plaintiff agrees that the arbitration award shall not exceed $15,000

This bill would specify that in the Counties of Santa Barbara and Ventura, actions in which the amount in controversy does not exceed $25,000 shall be submitted to arbitration

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Fi-

nance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

This bill would incorporate additional changes to Section 1141.11 of the Code of Civil Procedure proposed by SB 2088, contingent upon the prior chaptering of SB 2088

Ch 1523 (SB 701) Dills. State government energy costs financing.

Under existing law, it is state policy to use available resources at state facilities which can substitute for traditional energy supplies or produce electricity at its facilities when use or production will reduce long-term energy expenditures.

This bill would authorize the State Public Works Board to develop energy conservation and cogeneration measures and alternate energy supply sources for state agencies, and to enter into energy service contracts, as defined, with state agencies at the request of and with the consent of an agency and upon notice to specified committee chairpersons of the Legislature

This bill would authorize the board to issue revenue bonds for 10 fiscal years in specified amounts to finance the cost of the energy conservation measures instituted by the board.

This bill would also authorize the board to issue negotiable notes pursuant to specified procedures, and would revise the procedures applicable to the issuance of bonds by the State Public Works Board, as specified

The bill would take effect immediately as an urgency statute

Ch 1524 (AB 2271) Bosco Corporations

Under existing law, certain transactions are exempt from certain qualification requirements of the Corporate Securities Law of 1968.

This bill would provide that offer or sales of securities to specified pension, profit-sharing, stock bonus, or employee stock ownership plans are exempt from certain qualification requirements of the Corporate Securities Law of 1968.

The bill would take effect immediately as an urgency statute.

Ch. 1525 (AB 2516) Sher Personal income tax: deferred taxes. retirement accounts.

Under existing Personal Income Tax Law, certain self-employed individuals and employees may defer including in gross income certain amounts contributed to qualified retirement plans, individual retirement accounts or for individual retirement annuities or bonds, until such amounts are distributed to the individual, when such amounts would, at the time of the distribution, be included in gross income for purposes of computing personal income taxes The Economic Recovery Tax Act of 1981 (Public Law 97-34) enacted by Congress, revised, for federal income tax purposes, the requirements for qualified retirement plans and individual retirement accounts, annuities, or bonds, and increased the amount of the permissible contributions.

This bill would provide that, with respect to contributions made to those plans or accounts which are nondeductible under the California Personal Income Tax Law, any income attributable to those contributions shall not be includable in the gross income of the individual until distributed pursuant to the provisions of the plan or by operation of law This bill would also make various technical changes to those state tax laws

Under existing law, the Personal Income Tax Law authorizes a deduction for various other taxes paid by the taxpayer

This bill would reduce by specified amounts the deduction allowed for state and local taxes on the sale of gasoline, diesel fuel, and other motor fuels for taxable years beginning on or after January 1, 1982

This bill would take effect immediately, as a tax levy.

Ch 1526 (AB 3757) W. Brown. International trade

Existing law provides for an Office of International Trade under the jurisdiction of the Department of Economic and Business Development.

This bill would: (1) abolish the Office of International Trade; (2) make certain legislative findings and declarations concerning international trade, tourism, and develop-

ment; and (3) create within the Governor's office the California State World Trade Commission, consisting of 15 members and an advisory council, as specified

The bill would require the commission to serve as the official representative of the State of California to foreign governments and representatives and would authorize the commission to perform the following functions:

(1) Conduct research and analysis of foreign commerce, the nature of doing business in foreign marketplaces, methods of stimulating reverse investment, international tourism, and governmental incentives and disincentives for world trade opportunities in California.

(2) Establish one or more offices in California and in foreign countries, if appropriate and economically feasible, and serve as a clearinghouse for inquiries from foreign businesses and governments and provide them with introductions to California businesses and agriculture

(3) Coordinate with other governmental agencies, California businesses, agriculture, and individuals on marketing programs, on information about California's economy and the opportunities and advantages of doing business in the state, and publish reports and other materials to assist in marketing business opportunities

(4) Secure funding of the commission's programs and activities from federal, state, local, and private sources in addition to fees charged for services and published materials.

(5) Represent or assist in representing the interests of California-based companies in foreign market transactions through trade delegations, missions, marts, seminars, and additionally appropriate promotional tools

(6) Recruit foreign capital investment and encourage foreign business development within California.

(7) Encourage travel from foreign countries.

(8) Propose legislation which would encourage the state to compete in the world marketplace.

The bill would provide that effective January 1, 1983, the commission may request the Department of Economic and Business Development to provide support services to help establish the commission

In addition, the bill would. (1) establish the California State World Trade Commission Fund in the State Treasury to include moneys which shall be appropriated in the annual State Budget Act, and (2) provide that the fund shall consist also of private sector moneys as may be made available, federal funds when available, state funds, and fees if levied for services rendered

Ch. 1527 (SB 888) Alquist Industrial innovation

Under existing law, the Department of Economic and Business Development is the primary state agency responsible for promoting economic development in the state. The department coordinates state economic development programs and prepares and disseminates data and studies of the economic potential of various industries. Also, there is within the Office of Planning and Research an Office of Appropriate Technology to advise and assist public agencies, organizations, and citizens in the development of innovative technologies and practices which conserve energy and other resources

This bill would establish within the Governor's Office a California Commission on Industrial Innovation consisting of the Governor and 24 other members appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly as specified The commission would conduct research and provide advice regarding strategies for expanding the state's economy and employment rate. The commission would be authorized to hold hearings, evaluate state programs, and hire an executive director to supervise commission staff and carry out other specified duties.

Ch 1528 (AB 3266) Hart. Education: Council on Technology Education.

(1) Existing law authorizes 2 or more public agencies, as defined, to jointly exercise any power common to the contracting parties

This bill would specifically authorize the Institute for Computer Technology, a joint powers entity established by specified school districts, to conduct a program of education and training in computer technology for pupils in kindergarten or in grades 1 to 12, inclusive, or for adults, as if it were a regional occupational center or program. The bill

would provide that, if the institute is operated as a regional occupational center or program, it shall be subject to provisions concerning regional occupational centers, except as specified

This bill would prescribe a method of apportioning state funds to the Institute for Computer Technology for the 1983–84 fiscal year and each fiscal year thereafter based on the average of the revenue limits of the specified school districts, and would limit funded average daily attendance of the institute to no more than 500 The bill would provide that, for the 1982–83 fiscal year, the institute shall receive an amount not to exceed $100,000 from funds appropriated by the Budget Act of 1982 for instruction development and exemplary programs, based on the average of the 1982–83 revenue limits of the specified school districts

(2) Existing law provides for the California Writing Project, to address the problem of California students' declining writing skills

This bill would provide for the establishment of the Council on Technology Education by the State Department of Education, to address the problem of California students' deficiency in the basic skills, including reading, used in mathematics and science-based fields The council would review submitted reading, mathematics, science, and technology project proposals designed to accomplish specified objectives, and provide funding to those which as a group, provide a comprehensive approach to solving the problem of deficiency in basic skills used in reading, mathematics, and science This bill would require the council and the State Board of Education to give the Legislature, the Governor, and other interested parties a reasonable opportunity to review and comment upon any project proposal recommended by the council to the board for funding

This bill would also require the Legislative Analyst to provide specified information to the Legislature concerning the council

These provisions would be operative only for such periods as the Legislature has appropriated funds therefor, and only until June 30, 1988

The level of program implementation pursuant to these provisions in any fiscal year would be determined by the amount of funds specifically appropriated for the purposes of the council in that fiscal year through the annual Budget Act.

(3) This bill would take effect immediately as an urgency statute.

Ch. 1529 (AB 1523) Bates. Mentally disordered offenders.

(1) Existing law provides for a program of evaluation of certain sex offenders in a state hospital until January 1, 1991, and expresses the intent that they be allowed to participate in a state hospital program while incarcerated

This bill would instead provide for a voluntary experimental treatment program for those offenders, until January 1, 1991

The bill would require the State Department of Mental Health to submit periodic reports to the Legislature.

(2) Existing law provides specified criteria for the placement of inmates who are a danger to others in a treatment facility designated by a county prior to release

This bill would recast these criteria to, among other things, provide instead for placement of inmates who are a danger to self or others in a state hospital for inpatient treatment.

(3) Under existing law, a person found to be (1) not guilty by reason of insanity, (2) incompetent to stand trial, or (3) prior to January 1, 1982, a mentally disordered sex offender, may be committed to a state hospital as specified. Current law provides that the security of patients committed to Patton State Hospital under these provisions shall be the responsibility of the Director of Corrections, and requires the transfer of 27 correctional officers to Patton State Hospital.

This bill would require the State Department of Mental Health and the Department of Corrections to jointly develop a plan to transfer all patients committed pursuant to (1), (2), or (3) above from Patton State Hospital, and to transmit the plan to the Senate Committee on Judiciary and the Assembly Committee on Criminal Justice, and the Senate Health and Welfare Committee and Assembly Health Committee by June 30, 1983.

This bill would prohibit the establishment of a prison or state correctional facility on or adjacent to the sites now occupied by Patton State Hospital and Camarillo State Hospital or the housing of state prisoners on or adjacent to these sites. In addition, the

bill would state the legislative preference that persons committed pursuant to (1), (2), and (3) above be housed at Atascadero State Hospital and would prohibit an increase in the number of state prisoners, mentally disordered sex offenders, or Penal Code commitments at any state hospital except as specified

The bill would prohibit the conversion of certain state hospitals into a state prison without specific prior approval by the Legislature.

Ch. 1530 (AB 681) Moorhead. Sales and use tax: exemptions: syringes.

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from such tax.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes.

Existing law, operative until January 1, 1983, exempts from state and local sales and use taxes orthotic and prosthetic devices, mammary prosthesis, related appliances, supplies, and replacement parts, and wheelchairs, crutches, canes, and walkers.

This bill would extend the above exemptions indefinitely.

This bill would also exempt from state and local sales and use taxes insulin syringes used in the treatment of diabetes, drug infusion devices, and certain support equipment necessary for the safe and effective use of specific exempt articles

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy

Ch. 1531 (SB 1619) Stiern Pest eradication

(1) Existing law authorizes the Director of Food and Agriculture to conduct pest eradication efforts, as specified.

This bill would authorize the director to overrule the ordinance or regulation of a local agency, as defined, when the Governor has declared a state of emergency relating to the eradication effort and where that ordinance or regulation would prevent or inhibit an eradication effort under specified criteria The bill would also state that laws and regulations relating to plant quarantine and pest control are of a statewide interest and concern and are intended to occupy the field The bill would further prohibit a local agency from adopting regulations which prevent, hinder, or delay the effect or application of these state laws and regulations

(2) Under existing law, the Governor may exercise various extraordinary powers during a state of emergency or during a local emergency. Both of these types of emergencies are defined as involving extreme peril to the safety of persons and property. The law states various conditions which give rise to these emergencies not specifically including plant or animal infestation or disease.

This bill would add plant or animal infestation or disease to those specified conditions which may give rise to a state or local state of emergency when the safety of persons and property is endangered.

Ch. 1532 (SB 965) Presley Professional engineers

Under existing law, with respect to some engineering disciplines, an individual may not lawfully engage in the practice of those engineering disciplines without first being registered to so practice, whereas, with respect to other engineering disciplines, an individual may engage in the practice of those engineering disciplines, but may not advertise that fact, without first being registered in those disciplines.

This bill would establish a new category, that of "soil engineer," within that latter category of engineering disciplines.

The bill also would require the State Board of Registration for Professional Engineers to review all engineering title disciplines and to submit a specified report in connection therewith to the Legislature by June 30, 1983.

This bill would revise the fees for registration of professional engineers by adding a

new registration fee Thus, funds would be deposited in a continuously appropriated fund, and therefore, the bill would make an appropriation.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1533 (AB 3341) McCarthy Public retirement systems: membership

(1) The Public Employees' Retirement Law presently requires, upon a determination that a former employee retired for disability is no longer disabled, cancellation forthwith of the disability retirement allowance and requires the person to become a member of the retirement system

This bill would add, as an additional condition to the above requirements, that the employer has offered to reinstate that employee

(2) The County Employees Retirement Law of 1937 presently requires that, upon a determination that a beneficiary of a disability allowance is no longer incapacitated, cancellation forthwith of the retirement allowance and provides that he or she is eligible for reinstatement to county service pursuant to the county or district personnel reemployment regulations.

This bill would add, as an additional condition to that requirement, that the employer has offered to reinstate that beneficiary and would, instead, require that the beneficiary be reinstated in county service pursuant to those regulations

(3) Existing law provides that all persons actually employed in the service of the San Francisco Port Authority at the time of transfer from the state to the City and County of San Francisco shall be entitled to, among other things, continued membership in the Public Employees' Retirement System provided by the City and County of San Francisco.

This bill would, in addition, provide that this continued membership includes entitlement to any and all increases in retirement benefits in the corresponding membership classification authorized by state law on or after the transfer, for employees of the state by reason of their membership in the Public Employees' Retirement System The bill would also state that these provisions are intended only to clarify existing law

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide with regard to item (3) above, that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1534 (SB 1671) Watson Fish and game.

(1) Under existing law, it is unlawful to set or maintain traps for commerical taking of fur-bearing or nongame mammals which do not bear a number registered to the Department of Fish and Game

This bill would make it unlawful to set or maintain traps, without limitation, which do not bear a number or other identifying mark registered to the department or, in the case of a federal, state, or county agency, bear the name of that agency. No registration fee could be charged under these provisions.

(2) Existing law requires persons who take fur-bearing or nongame mammals, other than fur dealers, to procure a license from the Fish and Game Commission

This bill would require the department to develop standards to ensure the competence and proficiency of license applicants and would require that the applicants pass a test before a license is issued.

The bill would increase the fees charged for the licenses, resulting in increased revenue to the Fish and Game Preservation Fund, a continuously appropriated fund, and thereby make an appropriation.

(3) Existing law prohibits willfully disturbing or injuring any net which is legally used

in the waters of this state.

This bill would extend the prohibition to any trap being legally used in the waters of this state

(4) Under existing law, it is a misdemeanor, punishable by a fine of up to $500, imprisonment in the county jail for up to 6 months, or both the fine and imprisonment, to sell or purchase the meat, skin, hide, teeth, claws, or other parts of any bear in this state.

This bill would increase the maximum punishment for these violations to a fine of $5,000, imprisonment in the county jail for 6 months, or both the fine and imprisonment

(5) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act pursuant to these provisions for a specified reason

Ch 1535 (AB 1607) Ingalls. Transfers of property

Existing law requires the appointment of an inheritance tax referee to appraise the property in all proceedings for determination or confirmation of community property.

This bill would allow the petitioner in those proceedings to have the option to have an inheritance tax referee appointed to appraise the property, and gives the court discretion to require appointment of an inheritance tax referee to appraise that property.

Existing law provides a minimum fee for inheritance tax referees of $25 for each estate.

This bill would increase the minimum fee to $50

The bill would also revise existing law providing for inheritance tax referees and change the title of inheritance tax referee to probate referee All assets of an estate other than those required to be appraised by the executor or administrator of the estate would be required to be appraised by a probate tax referee, except under certain circumstances, as specified. The Controller could remove probate referees subject to specified conditions.

The bill would require staff of the appropriate policy committees of the Senate and Assembly to review the study conducted by the California Law Revision Commission regarding the administration of decedents' estates and prepare a report by June 30, 1984.

Proposition 6, an initiative statute which was adopted by the voters at the June 8, 1982, Direct Primary Election, repealed the provisions of the Inheritance Tax Law and the Gift Tax Law and provided, in replacement thereof, for an estate tax equal to the maximum allowable federal estate tax credit for state death taxes. It authorized the Legislature to provide for the collection and administration of that estate tax.

Chapter 327 of the Statutes of 1982, among other things, provided for the imposition and collection of that estate tax

This bill would reenact the aforementioned provisions of Proposition 6 and Chapter 327.

This bill would also specify those estates, transfers, or gifts to which it would be applicable.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1536 (AB 2772) Thurman Agriculture: poultry and animal diagnostic laboratories

Existing law authorizes the Director of Food and Agriculture to maintain regional poultry and animal disease diagnostic laboratories for the purpose of making tests and examinations for, and diagnoses of, livestock and poultry diseases

This bill would repeal the existing provisions for those laboratories and instead require

the director to contract with the Regents of the University of California for the School of Veterinary Medicine to establish and operate poultry and livestock disease diagnostic laboratories, as specified, when a central diagnostic laboratory has been constructed on the Davis campus of the University of California and is ready for occupancy This contract would provide, among other things, that the university be required, in consultation with the department, to establish a schedule of fees to help defray the costs of the laboratories' operations A Veterinary Diagnostic Laboratory Board, with a specified membership, would be appointed by the director to advise the Department of Food and Agriculture and the university on all aspects of the operation of the laboratories Until the central diagnostic laboratory is constructed, the director would be authorized to continue to provide interim laboratory services and to contract with the university for services which can be rendered more effectively by the university The bill would establish a Transition Veterinary Diagnostic Laboratory Administrative Committee, with a specified membership, to assure the orderly transfer of the veterinary diagnostic program from the department to the university

Ch 1537 (AB 2520) Sher Income taxes head of household

Existing Personal Income Tax Law provides that certain married persons filing separate returns shall not be considered married and authorizes those persons otherwise qualified to file personal income tax returns as head of a household.

This bill would permit certain persons who maintain as his or her home a household which constitutes for a specified period of the taxable year the principal place of abode of a qualifying child, as defined, to be classified as a joint custody head of household and would prescribe the method of computing the tax for an individual considered a joint custody head of household.

This bill would take effect immediately as a tax levy

Ch 1538 (AB 3773) N Waters Real property quitclaim conditions

Chapter 1488 of the Statutes of 1969 authorized the Director of General Services to quitclaim to the City of Galt, County of Sacramento, at no cost to the city, approximately 48 acres of land situated within the city limits of Galt, upon condition that the land be substantially used for recreation or park purposes, and revert to the 52nd District Agricultural Association in the event of any breach of the condition.

This bill would provide that notwithstanding the condition required by Chapter 1488 of the Statutes of 1969 in the quitclaim deed of the specified real property, the director and the city shall amend the quitclaim deed to provide that the real property shall revert to the 52nd District Agricultural Association upon the breach of various specified conditions

This bill would take effect immediately as an urgency statute

Ch 1539 (AB 3710) Konnyu Insurance

Under existing law, a policy of automobile liability insurance is generally required to afford coverage to any person using the automobile with the permission of the named insured However, a policy issued to a named insured engaged in the business of leasing vehicles, for those vehicles which are leased for a term in excess of six months, is inapplicable to anyone other than the named insured or his or her agents or employees except to the extent that other valid and collectible insurance does not provide coverage equal to specified minimum limits If the policy is issued to such an insured he or she is required to incorporate a provision in each vehicle lease advising the lessee of the above limitation, except as specified

This bill would provide that the incorporation of such a provision is required only if such a lessor includes automobile liability insurance in the lease, the terms of which insurance are not otherwise specified in the lease

The bill would also incorporate additional changes in Section 11580 1 of the Insurance Code proposed by AB 3579, to be operative only if AB 3579 and this bill are both chaptered and both become effective January 1, 1983, and this bill is chaptered last

Ch 1540 (AB 853) Naylor State park system appropriation operation and maintenance

(1) The Budget Act of 1980 appropriates $500,000 from the State Parks and Recreation

Fund to the Department of Parks and Recreation for augmentation for land acquisition, condemnation proceedings for State Parks and Recreation Fund projects

This bill would revert $400,000 of the unencumbered balance of that appropriation and would reappropriate that sum from the fund to the department in augmentation of its 1982 Budget Act support item for the state park system in accordance with a specified schedule

(2) The Budget Act of 1982 prohibits the department from entering into an operating agreement with a local entity which involves an investment in excess of $250,000 unless the Legislature or the State Public Works Board has approved the expenditure

This bill would authorize the department to enter into an operating agreement with the County of Ventura to operate Emma Wood State Beach, notwithstanding the above-stated prohibition.

(3) The Budget Act of 1982 appropriates moneys to the department from the Parklands Fund of 1980 for various state park system capital outlay projects

This bill would amend and supplement the Budget Act of 1982 by appropriating $500,000 from the Parklands Fund of 1980 to the department for the development, restoration, or both, of Emma Wood State Beach.

(4) The bill would take effect immediately as an urgency statute

Ch 1541 (AB 2443) Sher Public utilities baseline gas and electricity rates.

Existing law, designated as the Miller-Warren Energy Lifeline Act, requires the Public Utilities Commission to designate minimum energy or lifeline requirements for gas and electricity based on the needs of the average residential user and to designate increased lifeline gas and electricity allowances for customers dependent on life support equipment, for paraplegic and quadriplegic persons, and for multiple sclerosis patients.

This bill would make legislative findings and declarations regarding these provisions and revise them to instead require the commission to designate a baseline quantity of electricity and gas necessary for a significant portion of the reasonable energy needs of the average residential customer and a separate baseline quantity of electricity applicable to all-electric residential customers having electrical service only or whose space heating is provided by electricity, or both The bill would require the commission to establish a special limited additional allowances for customers dependent on life support equipment, paraplegic and quadriplegic persons, and multiple sclerosis patients

The bill would direct the commission to require electrical and gas corporations to file a schedule of rates and charges providing baseline rates applying to the first or lowest block of an increasing block rate structure and to be established for residential consumption at a differential of from 15% to 25% below the system average rate, except that the bill would permit higher baseline rates if the commission finds this is necessary to maintain revenues from customer classes for electrical or gas service or to prevent low priority customers from substantial switching from gas to another form of energy.

The bill would require the baseline quantity of gas or electricity for residential customers established by the commission to be from 50% to 60% of average residential consumption thereof,, except that, for residential gas customers and for all-electric customers, the baseline quantity would be required to be established at from 60% to 70% of average residential consumption during the winter heating season It would direct the commission, in this regard, to take geographical and seasonal variations into account.

The bill would direct the commission to implement these provisions in an order resulting from the first general rate proceeding on or after January 1, 1983, for each electrical and gas corporation subject to the bill, and would specify that the effective date of the commission's implementation of these provisions shall be not earlier than January 1, 1984 The bill would provide for the continuation of the existing lifeline allowances pending that effective date

Ch. 1542 (AB 2570) Duffy. Public Utilities Commission. administrative law judges.

Under existing law, the Public Utilities Commission is authorized to employ various officers and employees to perform the duties and exercise the powers conferred upon the commission by law, including administrative law judges who may administer oaths, examine witnesses, issue subpoenas, and receive evidence in accordance with rules adopted by the commission.

This bill would require the commission, in any proceeding involving an electrical, gas,

or telephone corporation, to assign an administrative law judge to preside over the hearings either alone or assisting the commissioner or commissioners who will hear the case The administrative law judge would be required, within 90 days of the submission of the matter for decision, to prepare and file an opinion which would become part of the record and constitute the proposed decision It would permit the commission, in issuing its decision, to adopt, modify, or set aside all or any part of this proposed decision It would deem every finding, opinion, or order contained in the proposed decision and approved or confirmed by the commission to be the finding, opinion, or order of the commission

The bill would permit the commission to specify that no opinion need be prepared by the administrative law judge in a proceeding involving an electrical, gas, or telephone corporation initiated by ratepayer or subscriber complaint

The bill also would state the intent of the Legislature that this bill not require extension of the time period currently required for the commission to act on any matter before it and that the bill not change the commission's schedule for acting on rate increase applications as specified in its Regulatory Lag Plan for Major Utility General Rate Cases

Ch 1543 (AB 2586) Frazee Counties county clerk, courts, fees

(1) Existing law authorizes the board of supervisors of a county with a population of 100,000 or more to designate the county clerk as a commissioner of civil marriages

This bill would extend this authority to counties of any size.

(2) Existing law specifies certain fees which must be paid at the time of filing of a complaint or other first paper in a civil action, and requires all applicable fees in connection therewith to be paid within 20 days after notice of unpaid fees given by the clerk The filing is ineffective if all applicable fees are not paid within the 20-day period

This bill would repeal that provision

This bill would also enact a provision dealing with fees in connection with the filing of a complaint or other first paper or any subsequent filing which were paid by check which is returned without payment The bill would require the clerk to notify the party tendering the check that the payment must be made within 20 days either by cash or certified check, and require the clerk to void the filing if payment is not so made The bill would make similar provision with respect to the filing of responsive pleadings

(3) Existing law requires a notary public to file an official bond and to take, subscribe, and file an oath of office with the county clerk. There is no express authority for the county clerk to dispose of the filed oath of office upon expiration of the notary's commission

This bill would require the county clerk to retain the oath of the notary for one year following expiration of the notary's commission and would authorize the oath to be destroyed or otherwise disposed of

(4) An existing provision of law requires that notice of a hearing on specified probate matters be posted at the courthouse in a prescribed manner

This bill would eliminate the necessity of posting notice in connection with hearings on other probate matters, and in certain matters would require mailed notice rather than posted notice.

(5) Current law requires the clerk of the superior court to post notice and mail a notice to each person chargeable with a tax in a probate proceeding.

This bill would eliminate the requirement that notice be posted. The bill would also eliminate a requirement that the clerk mail copies of objections to the tax to the Controller, the county treasurer, and the inheritance tax referee and would, instead, require that the person making the objection mail copies thereof to the Controller and the inheritance tax referee

(6) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1544 (AB 3322) Berman. Review of administrative regulations.

Existing law requires the Office of Administrative Law to review all regulations by administrative agencies and, among other things, to approve those regulations if they comply with standards specified by law, including their necessity, authority, clarity, consistency, and reference, as those terms are defined.

This bill would add the additional standard of nonduplication, and would require the office to adopt regulations, as specified, governing the procedures it uses in reviewing regulations submitted to it.

Existing law provides that any interested person may obtain declaratory relief as to the validity of a regulation

This bill would further provide that any interested person may obtain declaratory relief as to the validity of a regulation which the office has disapproved or ordered repealed pursuant to specific provisions, and would authorize a court to order the immediate filing with the Secretary of State of a regulation declared valid

Ch. 1545 (AB 3294) Roos Housing health standards.

(1) Under existing law, any person who violates the provisions of the State Housing Law the building standards published in the State Building Standards Code relating to such provisions or any other rule or regulation promulgated pursuant to the State Housing Law, is guilty of a misdemeanor, punishable by a fine not to exceed $500, or by imprisonment not to exceed six months, or by both fine and imprisonment

This bill would make conviction of such a violation for a second or subsequent time within a five-year period for violations at the same property punishable by a fine not exceeding $5,000 or by imprisonment not exceeding six months, or both The bill would also provide the same punishment for any person found in contempt of a court order or injunction under those provisions for a second or subsequent time within a five-year period for violations at the same property

The bill would increase the penalty imposed on any person so convicted or in contempt of a court order or injunction under certain exaggerated circumstances to a fine of not exceeding $5,000 and imprisonment of not less than six nor more than one year plus reimbursement to the enforcement agency of its costs incurred, if the court finds at least four serious violations of certain categories of violations The bill would require fines collected in excess of $500 per violation to reimburse the enforcement agency.

This bill would further provide that the sale or transfer of property to a third party would not render moot an action or proceeding, as prescribed, instituted by an enforcement agency against the owner of record on the date the citation was issued for any violation of the State Housing Law and would make the successor in interest subject to any judicial relief granted until the entry of a final judgment or order. The bill would also require any person who obtains an ownership in any property subsequent to which a notice of pendency of an action or proceeding was recorded to correct the violation, as specified.

(2) Under existing law, the local housing department or, if none, the local health department is required to locally enforce building regulations and standards.

This bill would in the alternative require the local environmental agency or the local health department to conduct the enforcement if there is no local housing department. The bill would also authorize the local health department or the local environmental agency in conjunction with the local housing department to conduct the enforcement.

(3) Under existing law, the enforcement agency which institutes an action or proceeding to declare a building uninhabitable is required to record notice

This bill would authorize the enforcement agency to charge the property owner for any cost involved in recording the notice, which would be returned under certain circumstances. After recording, any subsequent owner of the property would be subject to any order to correct a violation The bill would also require the enforcement agency to record a notice of final disposition of the action or proceeding.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1546 (SB 1969) Marks Redevelopment. rehabilitation.

Under the Community Redevelopment Law, "rehabilitation" is defined as repairs and improvements to a "standard residence," as defined, necessary to make it meet local codes

This bill would, until January 1, 1984, authorize up to 20 percent of bond proceeds under that law to be used for "rehabilitation" which includes construction, reconstruction, renovation, replacement, extension, repair, betterment, equipping, developing, embellishing or otherwise improving residences, and also a qualified home improvement loan, as defined

This bill would make additional changes in Section 33753 of the Health and Safety Code as proposed by SB 1970, to be effective only if SB 1970 and this bill are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

Ch 1547 (AB 3786) La Follette. Prisons

Existing law appropriates specified funds for planning the razing of the California State Prison at San Quentin and possibly the California State Prison at Folsom, and for other specified purposes

This bill would delete the provisions relative to razing of prisons

Existing law appropriates specified funds for prison construction and related purposes, and places specified limits on the size and location of new prisons

The bill would also provide for analysis of the disposition of the maximum security facilities at San Quentin within two years of completion of new maximum security facilities, as specified

The bill would take effect immediately as an urgency statute

Ch 1548 (SB 1609) Presley Prisons construction

Existing law provides for, and limits, the construction of correctional facilities.

This bill would authorize the Department of Corrections to construct and establish 3 maximum security institutions on the grounds of the California State Prison at Folsom and 2 maximum security institutions at Adelanto and specified service facilities, subject to review and approval by policy committees of the Legislature. The name of any prison or service facility shall not include the name of the city where the prison or service facility is located and the name may be selected by the county board of supervisors, as specified

This bill would provide that funds for the occupancy of a prison at Adelanto shall not be allocated until a site has been designated and approved, as specified, for a new state prison in Los Angeles County and shall not be so allocated if the Board of Supervisors of San Bernardino County and the department agree by January 1, 1983, to an alternative site The bill would state the Legislature's intent that the permanent design capacity of the prison at Adelanto not be expanded beyond 1,150 inmates and that water shall be provided from the Mojave Water Agency's allocation from the State Water Project The bill would also provide that water service for the maximum security complex at Tehachapi shall be purchased from the Tehachapi Cummings Water District and that no groundwater may be utilized at that complex in the absence of a specified agreement.

This bill would take effect immediately as an urgency statute

Ch 1549 (SB 1574) Presley. Prisons and prisoners

(1) Existing law provides for, and limits, the construction of correctional facilities

This bill would authorize the Department of Corrections to construct and establish 7 medium security prisons, one of which shall be for women, as specified, and 2 service facilities of lesser security, as specified, subject to review and approval by committees of the Legislature Excess land at the Northern California Youth Center would be sold as surplus property and the Deuel Vocational Institution would have a prison inmate design capacity of 2,500 inmates. The name of any prison or service facility could not include the name of the city where the prison or service facility is located and the name could be selected by the county board of supervisors, as specified.

The bill would also create the Joint Legislative Prison Committee with specified membership and powers to provide legislative scrutiny over prison construction and operation The committee would remain in effect only until January 1, 1987.

(2) Existing law provides generally for the employment of male and female prisoners in productive work. Prisoners may be engaged in work programs under the jurisdiction

of the Correctional Industries Commission and financed out of the Correctional Industries Revolving Fund Wages are set by the commission, as specified. The goods so produced are those determined to be needed by the state and political subdivisions thereof and, except for jute and crushed rock, are sold exclusively to such agencies, surplus products may be sold to foreign governments and corporations. However, agricultural and animal husbandry products may be sold to private persons Goods made in foreign prisons and sold in this state must be so labeled

Existing law also provides for the operation of a jute mill at the state prison at Folsom, the operation of rock-crushing plants by prison labor and other prison enterprises

Under the State Constitution the labor of convicts may not be let out by contract to private employers

This bill would revise various provisions of law concerning prison labor and would make statements of legislative intent concerning the prison industries programs The bill would repeal provisions of law creating the Correctional Industries Commission and would establish the Prison Industry Authority under the direction of the Prison Industry Board The bill would specify the powers and duties of the board, its membership and their compensation The authority would assume jurisdiction over the operation of all industrial, agricultural, and service operations formerly under the jurisdiction of the Correctional Industries Commission The bill would repeal the provisions of law concerning operation of the jute mill and rock-crushing plant and other prison enterprises The bill would abolish the Correctional Industries Revolving Fund and transfer the balance in that fund to the newly created Prison Industries Revolving Fund which would be used to meet the expenses of the prison industries program, as specified The board would also be authorized to borrow money from the state and private sources to finance the program The authority would determine the work programs which would be established and the products to be made The prohibition against sale of products to nongovernmental agencies would be repealed The bill would delete a specific labeling requirement for clothing manufactured in foreign prisons

(3) Existing law authorizes the employment of prison labor at road camps at a rate of up to $3 50 per hour for various purposes, including the construction of state highways, imposes a maximum net credit to each convict's account of an average of 75¢ per day, provides for the retention of surplus funds for inmate maintenance, provides for the expenses of such road camps to be borne by the applicable state road or highway funds; and authorizes an annual, interdepartmental transfer of up to $100,000 for such purposes

This bill would require the Director of Corrections to fix a daily rate to be expended for convict labor and authorize the director to fix the maximum amount that a convict may receive It would also revise the provisions governing the employment of prison labor at road camps to delete the limit on the rate of compensation for such labor, delete the construction of state highways from the authorized purposes; delete the maximum net credit, repeal the provisions for retention of surplus for inmate maintenance, the requirement that expenses of road camps be borne by road or highway funds, and the authorization for the annual, interdepartmental transfer of up to $100,000 for such purposes; and would make related changes regarding the funding of road camps

(4) Under existing law, a person found to be (a) not guilty by reason of insanity, (b) incompetent to stand trial, or (c) a mentally disordered sex offender, may be committed to a state hospital as specified Current law provides that the security of patients committed to Patton State Hospital under these provisions shall be the responsibility of the Director of Corrections, and requires the transfer of 27 correctional officers to Patton State Hospital

This bill would require the State Department of Mental Health and the Department of Corrections to jointly develop a plan to transfer all patients committed pursuant to (a), (b), or (c) above from Patton State Hospital no later than January 1, 1986, and to transmit the plan to the Senate Committee on Judiciary and the Assembly Committee on Criminal Justice, and the Senate Health and Welfare Committee and Assembly Health Committee by June 30, 1983

This bill would prohibit the establishment of a prison or state correctional facility, or the housing of state prisoners on or adjacent to the site now occupied by Patton State Hospital.

The bill would state the intent of the Legislature regarding housing of such patients, would prohibit the conversion of a state hospital into a state prison without specific prior

approval of the Legislature, and would prohibit increased housing of prisoners in state hospitals without express prior approval of the Legislature, as specified.

(5) Existing law provides for a program of evaluation of certain sex offenders in a state hospital until January 1, 1991, and expresses the intent that they be allowed to participate in a state hospital program while incarcerated

This bill would instead provide for a voluntary experimental treatment program for those offenders, until January 1, 1991

The bill would require the Department of Mental Health to submit periodic reports to the Legislature

(6) Existing law provides specified criteria for the placement of inmates who are a danger to others as a result of mental disorder, in a treatment facility designated by a county prior to release

This bill would recast these criteria to, among other things, provide instead for placement of inmates who are a danger to self or others, or gravely disabled as a result of mental disorder in a state hospital for inpatient treatment

Ch 1550 (SB 2023) Maddy Probate

Existing law requires the court clerk, upon the filing of a petition for the probate of a will, to set the petition for hearing at a time not less than 10 nor more than 30 days after the date of filing.

This bill would provide, in addition, that upon the petitioner's request at the time of filing the petition, the clerk of the court would be required to set the petition for hearing at a time not less than 30 nor more than 45 days after the date of filing

Ch 1551 (AB 692) McAlister Punishment for crimes.

Existing law provides for specified additional punishment for felony convictions when additional factors are present such as the use of a deadly weapon or a firearm in the commission or attempted commission of a felony, the infliction of great bodily harm in the commission or attempted commission of a felony, prior convictions of felonies, and others.

This bill would provide that any person convicted of a felony while released from custody pending trial on an earlier felony offense, upon conviction of both offenses shall be sentenced to an additional term of 2 years In addition, if the person is sentenced to state prison for the earlier offense, the sentence for the later offense would be imposed consecutive to the earlier sentence. The bill would make conforming changes in provisions relating to the calculation of enhancements in sentencing

This bill would incorporate additional changes in Section 1170 1 of the Penal Code proposed by Assembly Bill 3477 to be operative only if Assembly Bill 3477 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last.

This bill would become operative only if the New Prison Construction Bond Act of 1981 is adopted by the people at the 1982 primary election.

Ch 1552 (AB 3788) Hannigan. Personal income tax: bank and corporation tax. solar energy credit

The existing Personal Income Tax Law and the Bank and Corporation Tax Law authorize. for taxable or income years beginning before January 1, 1984, each taxpayer to deduct from the taxes imposed by that law a credit equal to 55% of the acquisition cost of a solar energy system, as defined

This bill would allow a taxpayer who has incurred the costs, of, or commenced significant physical work of construction on, a solar energy system, as specified, prior to December 31, 1983, to be eligible for that tax credit in the taxable or income year in which the system is installed, as defined.

This bill would make various supplemental and technical changes in these solar energy system tax credit provisions

The bill would take effect immediately as a tax levy

Ch. 1553 (AB 3647) Young Transportation. passenger rail financing rights-of-way and franchises

(1) Existing law does not provide for the sale of revenue bonds by the state for the financing of rapid rail transit system projects

This bill would enact the California Passenger Rail Financing Commission Act to establish the California Rail Passenger Financing Commission consisting of the Treasurer and 3 appointed members, with one each appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly The commission would be authorized to issue bonds not exceeding $1,250,000,000 for financing rapid rail transit system projects, with the repayment of the bonds limited solely from revenues of the commission

(2) The California Environmental Quality Act, with specified exemptions, requires public agencies proposing to carry out projects to comply with environmental impact report requirements

This bill would exempt from the act a project for the granting of an easement or franchise for the use of highway or street rights-of-way for high-speed intercity passenger rail purposes, a project instituting or increasing passenger or commuter service on highway rights-of-way, and a project for granting a certificate of public convenience and necessity for a railroad corporation whose primary business is the transportation of passengers

(3) Under the California Coastal Act of 1976, specified public transportation facilities are not considered public works for purposes of the act

This bill would provide that a railroad whose primary business is the transportation of passengers is not considered public works nor a development under the act if at least 90% of its routes located within the coastal zone utilize existing rail or highway rights-of-way

(4) The control of all state highways and highway rights-of-way is vested in the Department of Transportation.

This bill would authorize the Secretary of the Business, Transportation and Housing Agency to grant railroad corporations whose primary business is the transportation of passengers the rights-of-way for its necessary works and every necessary adjunct thereto over any portion of a state highway, not to exceed 200 feet in width

(5) Existing law authorizes a city or a county to grant a franchise to railroad corporations for the construction of elevated or underground railroad tracks over, across, or under its streets and public highways for a term not exceeding 50 years, but requires, prior to granting a franchise for an elevated line, that the owners of a majority of real property, other than public property on the line, sign a petition for it

This bill would authorize a county or city to grant a franchise for railroad corporations, whose primary business is the transportation of passengers, for the construction of elevated or underground railroad tracks over, across, or under the public streets and highways of the county or city without complying with the requirements stated above

Ch 1554 (AB 3186) Torres Community care facilities

(1) The California Community Care Facilities Act presently defines and provides for licensure of community care facilities by the State Department of Social Services The act also authorizes the department to issue special permits authorizing licensed community care facilities to offer specialized services designated in the department's regulations

This bill would prohibit persons convicted of a sex offense, as defined, against a minor from residing in a community care facility that is within one mile of an elementary school. The bill would provide that such a person residing in a community care facility within one mile of an elementary school on or before January 1, 1983, shall continue in residence for no more than 6 months The bill would require those facilities to secure signed statements from each resident stating that he or she has never been convicted of any sex offense against a minor The placement agency, or the facility if there is no placement agency, would be required by the bill to obtain a similar signed statement from applicants for residence in such a community care facility. Any resident or applicant for residence making a false statement as to a conviction for a prior sex offense against a minor would be guilty of a misdemeanor The bill would provide that any placement agent who knowingly places a person who has been convicted of a sex offense against a minor in one of these facilities shall be guilty of a misdemeanor This bill would exempt from these provisions, community care facilities for the elderly

(2) Under existing law, the State Department of Social Services is required, before issuing a license or special permit to any person or persons to operate or manage a

community care facility, to deny the application if the department determines, as specified, that the applicant or other specified persons connected with the community care facility have ever been convicted of a crime other than a minor traffic violation Existing law, however, gives the Director of Social Services discretion to grant an exemption from disqualification upon a finding of "good character," as specified.

This bill would state that no exemption shall be granted if the applicant or administrator of a community care facility located within one mile of an elementary school has been convicted of a sex offense against a minor, as defined If such an exemption has been granted prior to January 1, 1983, this bill would require termination of the exemption on June 30, 1983, after specified notice to the facility

(3) Under existing law, in order to be eligible for AFDC-FC, a child is, among other things, required to be placed in specified facilities, including a licensed family home, licensed group home, certified family home, and a licensed homefinding agency home.

This bill would add the requirement that in order to receive funding on behalf of children receiving AFDC-FC, each group home shall provide full disclosure of all financial information related to its operation, as specified

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1555 (AB 2720) Roos Subdivisions in-lieu fees for parks interest

Existing law authorizes the legislative body of a city or county, by ordinance, to require dedication of land, or payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a final subdivision or parcel map provided certain general conditions exist.

This bill would authorize any city, county, or city and county to use the interest earned on the accumulated in-lieu fees for the maintenance of any existing park or recreational facilities within the city, county, or city and county This bill would repeal this provision January 1, 1985

Ch 1556 (SB 465) Beverly Property tax exemption

Existing law provides that all property, including possessory interests in real property, as defined, is subject to property taxation, unless otherwise exempted

This bill would require the State Board of Equalization to adopt regulations by January 1, 1985, relating to possessory interest in property owned by an agency of the government of the United States to define "constructive attachment" of items of personal property and to provide criteria for determination by county assessors as to when property is considered "constructively attached" for property tax assessment purposes

This bill would define "possessory interest" in property owned by any agency of the government of the United States to mean the possession of, claim to, or right to the possession of land and improvements, as defined Those provisions would become operative on January 1, 1985, only if the regulations referred to in the preceding paragraph are not adopted by the state board

The bill would also provide that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to this bill

Ch 1557 (AB 2706) Torres Guarantee of thrift obligations.

Existing law provides that the purpose of Guaranty Corporation essentially is to guarantee full payment of thrift obligations of its members up to $10,000, or up to $20,000 if ordered by the Commissioner of Corporations under prescribed conditions, in the event the property and business of an industrial loan company which has issued, and has outstanding, thrift obligations has been liquidated or is in the process of liquidation by the commissioner and the proceeds of liquidation distributed ratably are insufficient to pay up to $10,000 or $20,000 of each thrift obligation, as specified

This bill would increase the maximum guarantee of thrift obligations to $50,000 where ordered by the commissioner.

Under existing law, if the Commissioner of Corporations determines that the amount in the guaranty fund is in excess of 1% of the total outstanding thrift obligations of all members, he or she is required to issue a written order increasing the amount up to which Guaranty Corporation guarantees thrift obligations of members for each account, to $20,000

This bill would require the commissioner to increase the maximum guarantee amount to $50,000

Existing law provides for thrift obligations to be paid by Guaranty Corporation, up to $10,000 for each thrift obligation, as specified, when certain conditions occur relative to the ability of an industrial loan company member to meet its obligations

This bill would increase the liability for Guaranty Corporation to $50,000 for each thrift obligation of members if the commissioner issues a written order therefor, as specified

The bill would make additional changes to reflect the increase in the maximum guarantee amount which may be authorized by the order of the commissioner

Ch. 1558 (AB 2595) Deddeh Income taxes. inheritance taxes

The Economic Recovery Tax Act of 1981 (Public Law 97-34) enacted by Congress made various changes in the federal estate and income tax provisions

This bill would revise various specified provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law to conform them, in part, to certain changes in the federal law made by the Economic Recovery Tax Act of 1981

Under the existing Bank and Corporation Tax Law, 100% of the gain recognized upon the sale or exchange of a capital asset is taken into account in the computation of net income

This bill would revise the percentages of recognized gain to be taken into account in computing net income by decreasing those percentages for small business stock, and would revise the holding periods upon which those percentages are based with respect to small business stock

This bill would incorporate additional changes in Sections 17053 7 and 24330 of the Revenue and Taxation Code, proposed by SB 1520, to be operative only if this bill and SB 1520, are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

This bill would also incorporate additional changes in Section 17283 of the Revenue and Taxation Code, proposed by AB 2528, to be operative only if this bill and AB 2528, are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

This bill would also make various technical changes to the state tax laws

This bill would take effect immediately as a tax levy, but the operative date of the various provisions vary as specified.

Ch 1559 (AB 3194) Imbrecht Bank and Corporation Tax Law contributions

Under current law, deductions allowed to corporations for the charitable donation of appreciated property are limited to the taxpayer's basis in the property, and are further limited to 5% of the taxpayer's net income

This bill would allow a corporation a larger deduction for charitable contributions of new tangible personal property which is of an inventory nature, as specified, if contributed to an institution of higher education and used by the college or university for research purposes This bill would allow a similarly larger deduction for charitable contributions by a corporation of technological property, as specified, if contributed to an educational institution other than an institution of higher education and used directly by the donee in the education of students The deduction for both types of contributions would be equal to the sum of the taxpayer's basis in the contributed property plus ½ of the unrealized appreciation, or twice the basis of the property, whichever is less

The bill would also allow a corporation contributing technological property, as specified above, either a credit of 25% of fair market value or a deduction up to 30% of net income for those contributions, depending upon the enactment of specific federal legislation

The bill would take effect immediately as a tax levy and be operative as specified

Ch. 1560 (AB 1832) Elder. State park system and public resources capital outlay projects

(1) Existing law requires any facility to be developed on Seccombe Park project lands to only be constructed in accordance with a development plan approved by the Director of Parks and Recreation, and requires that the development plan, together with any contracts entered into pursuant to the plan, be approved by a citizens' advisory committee appointed by the chief executive officer of the City of San Bernardino before the plan is submitted to the director for approval

This bill would revise the provisions regarding the citizens' advisory committee to instead provide that, subsequent to approval of a development plan for the Seccombe Park project, the citizens' advisory committee may, from time to time, make recommendations to the director regarding administration of the unit

(2) The Budget Act of 1981 appropriates funds from various sources to the Department of Parks and Recreation for capital outlay, including construction for Candlestick State Recreation Area and working drawings and construction for Seccombe Lake State Urban Recreation Area

This bill would amend and supplement the Budget Act of 1981 to change the funding sources for those projects and to impose additional conditions with respect to the encumbrance of funds for the Seccombe Lake State Urban Recreation Area project, to become operative only as specified

(3) The existing law provides for the State Coastal Conservancy, with prescribed powers and responsibilities, to implement various programs within the coastal zone, as defined, including programs of carrying out coastal restoration projects within designated areas.

This bill would appropriate $4,000,000 from the General Fund to the conservancy as a loan, which is required to be repaid not later than 120 days after the close of a specified joint escrow account, but in no case later than June 30, 1984, to acquire the land necessary for accomplishment of the Los Cerritos restoration plan approved by the conservancy on March 12, 1981, and as may subsequently be approved by the California Coastal Commission The loan would be required to bear interest at 12% per annum The bill would also provide for the reversion of the appropriated amount upon a determination by the State Coastal Conservancy that implementation of the project funding is infeasible, as specified These provisions would only become operative if and when the Controller determines, on or before June 30, 1984, that $4,000,000 from Williamson Act cancellation fees has accrued in the General Fund, as specified

(4) The bill would take effect immediately as an urgency statute

Ch 1561 (SB 856) Keene Forest practices timber operations county and regional regulations, forestry board review, and inspections

(1) Under existing law, parcels of land zoned as timberland preserve are required to be zoned so as to restrict their use to growing and harvesting timber and to compatible uses

This bill would require the growing and harvesting of timber on those parcels to be regulated solely pursuant to state statutes and regulations

(2) Under the Z'berg-Nejedly Forest Practice Act of 1973, the California Tahoe Regional Planning Agency may adopt forest practice rules and regulations which are stricter than those provided under the act and its regulations

This bill would permit the Tahoe Regional Planning Agency to adopt such rules and regulations whenever state funds are not expended for the support of the California Tahoe Regional Planning Agency in accordance with specified provisions

(3) Under that act, any person engaging in timber operations is required to file a timber harvesting plan with the Department of Forestry and obtain a license from the department The State Board of Forestry is required to adopt forest practice rules and regulations The act permits individual counties to adopt forest practice rules and regulations which are stricter than those provided under the act and its regulations

This bill would instead permit individual counties to recommend that the board adopt additional rules and regulations to take account of local needs, and would require the board to adopt rules and regulations consistent with the recommended rules and regulations if it finds they are consistent with the intent and purpose of the act and necessary to protect the needs and conditions of that county The bill would otherwise prohibit the regulation of the conduct of specified timber operations by individual counties The bill would permit individual counties to enforce, until July 1, 1983, rules and regulations

governing the conduct of timber operations; ~~excluding those requiring permits, fees, or bonds,~~* which were in existence on January 1, 1982 On and after July 1, 1983, those rules and regulations would have no force or effect. ~~County rules or regulations requiring permits, fees, or bonds would have no force or effect on and after January 1, 1983.~~*

Those provisions would not apply to timber operations on any land area of less than 3 acres and which is not zoned timberland preserve

(4) Under that act, the department, upon receipt of a timber harvesting plan, is required to transmit copies to specified public agencies

This bill would require the department to invite, consider, and respond in writing to comments received from public agencies to which the timber harvesting plan has been transmitted, and would require the department to consult with those agencies at their request The bill would also permit the board of supervisors or planning commission of any county for which the State Board of Forestry has adopted regulations as specified in (3) above to request a public hearing on any timber harvesting plan submitted for lands within the county and, upon that request, would require the department to hold a hearing, as specified, prior to taking any action on the plan

(5) Under that act, the department is required to make inspections of timber operations at specified times.

This bill would require that those inspections be made at those times, as needed

Ch 1562 (AB 3777) Greene Public Employees' Retirement System integrity

The existing Public Employees' Retirement Law (1) requires income earned on the retirement fund, in excess of the interest credited to contributions during the year, to be retained as a reserve against deficiencies, as specified, and (2) requires the state, school employers, and contracting agencies to make specified employers' contributions to the retirement fund, as specified

This bill would (a) prohibit the use of funds in the reserve against deficiencies to pay any required employers' contributions; (b) prohibit the state, any school employer, or any contracting agency from failing or refusing to either pay the required employers' contributions or pay the required employers' contributions within the applicable time limitations

This bill would become operative on July 1, 1983

Ch 1563 (AB 351) D Stirling Mental health

(1) Under the Lanterman-Petris-Short Act after the expiration of the 14-day period of intensive treatment, an imminently dangerous person may be confined for further treatment pursuant to a court order not to exceed 90 days Such person must present an imminent threat of substantial physical harm to others, as a result of mental disorder and have threatened, attempted, or inflicted physical harm upon the person of another after having been taken into custody or had attempted or inflicted physical harm upon the person of another that act having resulted in his or her being taken into custody

This bill would delete the requirement that such person present an imminent threat of substantial harm to others and require, instead, that such person present a demonstrated danger of substantial physical harm to others The bill would provide that a finding of amenability to treatment is not required for treating such persons The bill would place an affirmative obligation on the facility to treat the underlying cause of the mental disorder of a person committed under specified provisions

The bill would authorize the commitment of such person for treatment not to exceed 180 days

The bill would also authorize the release to outpatient status of a person committed under those provisions under certain conditions and would prescribe procedures for termination and revocation of outpatient status

The bill would, in addition, require the State Department of Mental Health to submit a specific report to the Legislature within 2 years on its findings relating to such provisions

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill would provide that notwithstanding Section 2231 5 of the Revenue and Taxation Code, this act does not contain a repealer, as required by that section, therefore, the provisions of the act would remain in effect unless and until they are amended or repealed by a later enacted act

Ch 1564 (AB 3573) L Stirling Judicial officers sanctions

Existing statutory law authorizes trial courts to order a party or the party's attorney to pay any reasonable expenses incurred by another party as a result of tactics or actions not based on good faith which are frivolous or which cause unnecessary delay

This bill, in addition, would authorize a judicial officer to impose money sanctions, not exceeding $1,500 and upon notice and an opportunity to be heard, for any violation of a lawful court order by a witness, a party, or a party's attorney

Ch 1565 (AB 1968) Campbell Voter records

Under existing law, each county clerk is required to compile and make available to the Legislature or any appropriate committee of the Legislature the information and statistics as may be necessary for use in connection with the reapportionment of legislative districts

This bill would specify that if the county clerk stores the information and statistics in data-processing files, he or she shall make the files available to the appropriate committee of the Legislature and shall retain these files for the 4 statewide elections held prior to reapportionment

Existing law does not require each county clerk to compile an index, list, or file of voters who have voted at the previous statewide election

This bill would impose this requirement on the clerks

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1988, the provisions contained in the bill for which state reimbursement is required

Ch 1566 (SB 1547) Ayala Electricity rates for steel production

Under existing law, electrical corporations are public utilities subject to the jurisdiction and control of the Public Utilities Commission which, among other things, establishes the rates at which electricity is furnished

This bill would direct electrical corporations to prepare and file tariffs providing for an optional interruptible electrical service for steel producers, as defined, and require the commission to establish 2 rates for electricity furnished for the production of steel, 1 rate for interruptible service on reasonable notice to the steel producer and 1 rate for standard service, pursuant to specified requirements The bill would specify how the rates for the 2 categories of service shall be calculated, and would direct the commission to implement these rates by February 1, 1983

The bill would permit any steel producer receiving interruptible service pursuant to any tariff in effect on January 1, 1983, to elect to receive electrical service pursuant to these provisions, notwithstanding the tariff

The bill would direct the commission to pass along any costs associated with the implementation of these provisions to other nonresidential classes of electrical service customers except public agencies

The bill would require the commission to report to the Legislature and the Governor

on the effects of the bill, including its effect on electricity rates, by September 30, 1985

These provisions would remain in effect only until January 1, 1986, and on that date would be repealed.

Ch 1567 (AB 1448) Moore. County retirement

Existing law permits a county to terminate benefits under the federal social security system

This bill would require any county which has a population exceeding 6,000,000 and which has provided notice of intent to terminate benefits under federal social security to provide a vote of affected members the results of which would be advisory to the board of supervisors The board of supervisors may, following the advisory vote, cancel their notice of intent to withdraw from social security at least 30 days prior to its effective date The county would be required to certify to the Board of Administration of the Public Employees' Retirement System that this requirement has been complied with If this requirement has not been complied with, the board of supervisors would be required to cancel its notice of intent to withdraw from social security at least 30 days prior to its effective date.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1568 (AB 3011) Torres Workers' compensation firefighters

Existing law provides that in the case of specified law enforcement and firefighting employees, an injury under the workers' compensation law includes hernia, heart trouble, and pneumonia which develops or manifests itself during the period of the specified employment

This bill would, in addition, provide that in the case of active volunteer or paid firefighting members of state and local fire departments, an injury under the workers' compensation law includes cancer which develops or manifests itself during the period of the specified employment, provided the member demonstrates exposure during the employment to a known carcinogen, as defined, which is reasonably linked to the disabling cancer

This bill would also provide that the cancer so developing or manifesting itself is rebuttably presumed to arise out of and in the course of the employment

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would require that all reimbursements to a local agency or school district or any state agency pursuant to the bill be paid from the appropriation to the Department of Industrial Relations for the payment of additional compensation for subsequent injury as provided in specified provisions

This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1989, the provisions contained in the bill for which state reimbursement is required

Ch 1569 (SB 1429) Alquist California Health Facilities Authority

Under existing law, there is a California Health Facilities Authority which is empowered to make loans under certain conditions to nonprofit corporations or associations for financing or refinancing of the acquisition, construction, or remodeling of health facilities and specified clinics and for other projects, as defined Existing law authorizes the

authority for the purpose of obtaining moneys to make such loans to issue revenue bonds The total amount of such revenue bonds authorized to be outstanding at any one time is limited to $767,000,000, of which not less than $117,000,000 is required to be made available to health institutions which seek the financing or refinancing of projects providing services predominately to members of health maintenance organizations which are qualified under specified federal laws

This bill would increase the total amount of revenue bonds authorized to be outstanding by $767,000,000. The bill would make an appropriation because the additional funds from the issuance of these bonds would be deposited in the California Health Facilities Authority Fund, which is a continuously appropriated fund.

Ch 1570 (SB 1833) Roberti Financial Institutions

Existing law sets forth various criteria for the approval or disapproval, by the Superintendent of Banks, of various transactions, such as the establishment of a bank, acquisition of control of a bank, engaging in the business of transmitting money abroad or issuing travelers' checks, or becoming or acquiring control of a business and industrial development corporation

This bill would provide that certain criteria which authorize the disapproval of such a transaction apply if an applicant or potential licensee, or a director or officer of an applicant or a potential licensee, has been convicted of, or has pleaded nolo contendere to, a crime involving fraud or dishonesty, as specified.

Under existing law, credit unions may purchase from the vendor of personal property conditional sale contracts covering the sale of that property to its members, and may hold that contract as an investment

This bill would also authorize credit unions to purchase and hold vehicle lease agreements covering the lease of vehicles to its members

Under the existing Business and Industrial Development Corporations Law, a person to whom a cease and desist order has been issued by the Superintendent of Banks for violation of licensure requirements and any licensee or subject person of licensee (that is, a director, officer or employee of the corporation) who has been issued a cease and desist order for specified violations or unsound practices, may apply to the superintendent for a hearing on such an order

This bill would provide that the right to petition for judicial review of a cease and desist order shall not be affected by the failure to apply to the superintendent for a hearing on the order

Under the existing Business and Industrial Development Corporations Law, the Superintendent of Banks may remove any subject person of a licensee from his or her office and prohibit further participation in the business, upon finding that such a person engaged in certain acts which, among other things, have or are likely to cause substantial financial loss to the corporation

This bill would also provide for that removal and prohibition if the subject person engages in any of those acts, if they prejudice or are likely to prejudice the interests of the licensee, or if the subject person has received financial gain by reason of the act

The bill would also provide that a subject person of a licensee may be suspended from office and prohibited from participating in the business of the licensee, where the Superintendent of Banks finds, among other things, that such action is necessary for the protection of the interests of the licensee or the protection of the public interest, as specified

Ch 1571 (AB 2090) Hannigan Suisun Resource Conservation District and Suisun Marsh.

(1) Under existing law, it is a misdemeanor to violate a regulation issued by the Suisun Resource Conservation District requiring compliance with a water management plan or program for privately owned lands within the primary management area of the district

This bill would provide procedures for the district board or its employees, upon approval by a vote of four-fifths of the membership of the board, to enter privately owned lands in the primary management area to determine whether there is compliance with district regulations. The bill would also require written notice of the violation to the landowner, delete the provision making violation of those district regulations a

misdemeanor, and instead make the first violation of those district regulations subject to a civil penalty not to exceed $500, and subsequent violations of the same district regulation subject to a civil penalty not to exceed $5,000 The bill would provide for the assessment and recovery of the civil penalty by a civil action brought by the District Attorney of the County of Solano and specify that any penalty collected be credited ½ to the Solano County general fund and ½ to the district.

(2) Under existing law, the district may levy an assessment within an improvement district for annual normal operations and maintenance costs

This bill would repeal these provisions The bill would authorize the district, with the consent of the owner, to levy special assessments on lands within the district to construct certain improvements. The bill would authorize the district to contract for the construction of these improvements without inviting public bids The bill would also authorize the district to reimburse landowners for 50% of the costs, up to a maximum of $5,000, of certain activities in order to comply with the water management program requirements of the district The bill would require the district to submit an estimate of those reimbursements to the Department of Fish and Game for inclusion in the department's budget payable from the Wildlife Conservation Fund The bill would provide that the reimbursement shall not be treated as taxable income to a landowner

(3) Existing law defines the lands comprising the Suisun Marsh for purposes of the Suisun Marsh Preservation Act of 1977

This act excludes specified lands from the marsh, to become operative only if specified events occur and would make legislative declarations regarding that exclusion The bill would also provide that nothing in the bill would exempt any person from any provision of the California Environmental Quality Act.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1572 (SB 1419) Dills State employer-employee relations fair share fees

Existing law provides that state employees have the right to form, join, and participate in the activities of employee organizations, and also have the right to refuse to join or participate in the activities of employee organizations

This bill would permit the state employer and a recognized employee organization to enter into an agreement providing for organizational security in the form of fair share fees, as defined, thereby removing the right of the employees to refuse to participate in the activities of employee organizations However, an employee with religious ~~or conscientious~~ objections to supporting employee organizations would not be required to join or financially support an employee organization when specified requirements are met, and could be required to make specified charitable contributions which would be deducted by the employer

This bill would require the state employer to deduct the amount specified by the recognized employee organization from the salary or wages of every employee for membership fees or fair share fees, would require the Controller to retain an amount equal to the cost of administering the deductions from the fair share fee deductions, and would require the state employer to provide the recognized employee organization with specified employment data

This bill would also provide procedures for rescinding a fair share fee provision in a memorandum of understanding, would require a recognized employee organization which has agreed to a fair share fee provision to keep and make available annually an adequate itemized record of its financial transactions, and would permit any state employee who pays a fair share fee to receive a return of any part of the fair share fee which represents the employee's pro rata share of expenditures by the organization for specified activities, as determined by the Public Employment Relations Board

This bill would incorporate additional changes in Section 3513 of the Government Code proposed by AB 3055 and AB 3313, to be effective only if AB 3055, or AB 3313, or both, and this bill are chaptered and become effective on January 1, 1983, and this bill

is chaptered last

Ch 1573 (AB 2820) McCarthy Office of Administrative Law

Existing law authorizes the Office of Administrative Law to adopt, amend, or repeal regulations to carry out its duties under law This bill would instead require the office to so adopt, amend, or repeal such regulations

Existing law makes provisions for state agency emergency regulations and, among other things, requires, with certain exceptions, that any finding of an emergency by an agency shall include a written statement containing specific information

This bill would change the requirements of what information is to be contained in the above-mentioned statement

Existing law provides that no regulation adopted as an emergency regulation shall remain in effect more than 120 days unless the adopting agency has complied with specific public notice and hearing requirements or unless the adopting agency has completed the regulation adoption process by formally adopting the emergency regulation or any amendments thereto, as specified Existing law further provides that the adopting agency shall transmit specific information to the Office of Administrative Law for filing with the Secretary of State

This bill would require that the above-mentioned information be transmitted to the Office of Administrative Law prior to the expiration of the 120-day period

Existing law provides with certain exceptions that a regulation adopted as an emergency regulation, or an emergency regulation equivalent thereto, shall not be readopted as an emergency regulation

This bill would provide instead that with certain exceptions such a regulation shall not be filed with the Secretary of State as an emergency regulation

Existing law requires a state agency proposing to adopt or amend an administrative regulation to submit to the Office of Administrative Law an initial statement of reasons therefor which includes, among other things, the specific purpose of the regulation and the factual basis why the regulation is reasonably necessary It also requires submission to the office with an adopted regulation a final statement of reasons which includes an update of the information contained in the initial statement of reasons, a determination as to whether the regulation imposes a mandate on local agencies or school districts, and a summary of each objection or comment made regarding the regulation together with an explanation of how the proposed regulation has been amended to accommodate each objection or comment, or the reasons for rejecting each objection or comment

This bill would require in the initial statement of reasons, a description of the public problem, administrative requirement, or other condition or circumstance the regulation is intended to address

Existing law requires the Office of Administrative Law to review all proposed administrative regulations and to approve them if they comply with specific standards and specified provisions of law Those standards include the necessity, authority, clarity, consistency, and reference of the proposed regulation, as those terms are defined

In addition, existing law requires the Office of Administrative Law to return any regulation to the adopting agency under specified circumstances

This bill would revise the definitions of the standards of necessity and consistency, and would add and define the standard of nonduplication

This bill would require the Office of Administrative Law to adopt regulations, as specified, governing the procedures it uses in reviewing regulations submitted to it

Existing law provides that the review of state agency regulations by the Office of Administrative Law does not apply to the repeal of any regulation by a state agency

This bill would retain the existing law with the exception that the Office of Administrative Law shall disapprove any repeal of a regulation which has not complied with specified procedures

Existing law provides for the rewriting and resubmission of agency regulations which have not met certain standards and exempts a rewritten regulation from having to comply with specified notice and public hearing requirements unless the substantive provisions of the regulation have been significantly changed

This bill would require the Office of Administrative Law to expedite the review of a regulation submitted without significant substantive change

Existing law provides that a regulation may be declared invalid if, on among other

grounds, the court cannot find that the record of the rulemaking proceeding supports the agency's determination that the regulation is reasonably necessary

This bill would provide instead that a regulation may be declared invalid if the agency's determination that the regulation is reasonably necessary is not supported by substantial evidence

In addition, the bill would require the Office of Administrative Law when reviewing regulations (1) to review and consider certain information submitted by the public, (2) to make available to the public certain information which is also available to the office, (3) to notify the adopting agency within 2 working days of the receipt of certain information submitted by the public, (4) to publish in the California Administrative Notice Register orders and reasons for repealing emergency regulations, and (5) to make available to the public and to publish in the California Administrative Notice Register certain orders and reasons concerning the repeal of regulations

The bill would require that when making a priority review of a regulation, as specified, the Office of Administrative Law (1) shall publish in the California Administrative Notice Register that a priority review has been requested, and (2) shall make available to the public all information available to the office relating to the priority review

In addition, the bill would require that notice and the reasons therefore of the Governor's action to overrule the decision of the office ordering the repeal of a regulation shall be published in the California Administrative Notice Register

This bill would make other conforming statutory changes regarding the approval or disapproval of emergency regulations.

Existing law provides that any interested person may obtain declaratory relief as to the validity of a regulation

This bill would further provide that any interested person may obtain declaratory relief as to the validity of a regulation which the office has disapproved or ordered repealed pursuant to specific provisions, and would authorize a court to order the immediate filing with the Secretary of State of a regulation declared valid

This bill would incorporate additional changes in Section 11346 7 of the Government Code, proposed by AB 2305, to be operative, and to prevail over AB 2305, only if AB 2305 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered after AB 2305

Ch 1574 (SB 1289) Davis Courts San Bernardino County

(1) Existing law specifies that there are 20 judges of the superior court in San Bernardino County, provided that if the board of supervisors adopts a specified resolution, there shall be 21 judges of the superior court.

This bill would increase the number of judges of the superior court in San Bernardino from 20 to 21 and provide that if the board of supervisors adopts a specified resolution or resolutions there shall be 22, 23, or 24 judges of the superior court, respectively

(2) The bill would also specify that certain funds disbursed or to be disbursed as a block grant for the annual cost of superior court judgeships created after January 1, 1973, shall not be disbursed on account of the judgeships created by the bill

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1575 (SB 1417) Stiern. Courts Kern County

Existing law provides for 10 judges of the superior court in Kern County

This bill would increase the number of judges of the superior court in Kern County from 10 to 13

The bill would provide that no appropriation is made by the act pursuant to Section 2231 or 2234 of the Revenue and Taxation Code or Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act, and that the act does not create any present or future obligation

to reimburse the agency or district for any costs incurred because of the act.

The bill would also specify that certain funds disbursed or to be disbursed as a block grant for the annual cost of superior court judgeships created after January 1, 1973, shall not be disbursed on account of the judgeships created by the bill

The bill would become operative on July 1, 1983

Ch 1576 (SB 1821) Rains Superior courts Santa Barbara County

(1) Existing law provides for 9 superior court judges in Santa Barbara County

This bill would increase the number of superior court judges in Santa Barbara County from 9 to 10

(2) The bill would also specify that certain funds disbursed or to be disbursed as a block grant for the annual cost of superior court judgeships created after January 1, 1973, shall not be disbursed on account of the judgeships created by the bill

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(4) The bill would become operative on July 1, 1983

Ch 1577 (SB 1814) Keene Courts

(1) Existing law requires specified county offices, including the district attorney and public administrator, to be elective offices unless the voters of the county adopt a proposal making an office appointive. Other county offices are appointive Special authorization is given to the Board of Supervisors of Mendocino County to adopt an ordinance making the office of public administrator appointive

This bill would authorize the Board of Supervisors of Mendocino County to appoint the same person to the offices of public administrator, veteran service officer, and public guardian The bill would also authorize the Board of Supervisors of Mendocino County to separate the consolidated offices of district attorney and public administrator at any time in order to make these appointments Upon approval by the board of supervisors, the officer elected to these offices at any time would be authorized to resign, or decline to qualify for, the office of public administrator without resigning from, or declining to qualify for, the office of district attorney

(2) The California Constitution requires each county to have a superior court of one or more judges. Lake County presently has a one-judge superior court pursuant to this provision

This bill would add a second superior court judge to the Superior Court in Lake County on July 1, 1983, but would not provide for block grant support for reimbursement of local costs incurred pursuant thereto

(3) Existing law authorizes the appointment of court commissioners in specified counties, and provides for the duties, qualifications, and compensation thereof

This bill would authorize the appointment, as specified, of a court commissioner in Sonoma County, and would provide for the duties, qualifications, and compensation thereof

(4) Existing law specifies the classification and compensation of the municipal court in the Eureka Judicial District in Humboldt County

This bill would revise the classification and compensation of personnel of that court

(5) Existing law provides that any change in the salary in effect immediately prior to January 1, 1982, for the court clerk who is the administrative officer for the municipal court established in the Central Judicial District of Marin County, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature

This bill would change from January 1, 1982, to January 1, 1983, the relevant date for calculating the above-specified date of expiration

(6) Existing law specifies the number and classification of specified officers and employees of the municipal court in Sonoma County

This bill would revise the number and classification of specified officers and em-

ployees of the municipal court in Sonoma County

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1578 (AB 3261) Young. Municipal courts Los Angeles County.

Existing law provides for 4 judges of the municipal court for the Downey Municipal Court District

This bill would authorize a fifth judge for the municipal court for the Downey Municipal Court District if the Los Angeles Board of Supervisors finds that there are sufficient funds

Ch 1579 (AB 3589) Johnston. Municipal courts San Joaquin County

Existing law specifies the number, classification, and compensation of municipal court personnel in San Joaquin County Existing law also provides for 5 municipal court judges in San Joaquin County.

This bill would increase the number of municipal court judges to 6, upon the adoption of a specified resolution by the board of supervisors

This bill would revise the number, classification, and compensation of municipal court personnel in San Joaquin County It also would authorize the appointment of additional personnel and the revision of classifications, under designated circumstances, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1580 (AB 3778) Robinson Courts.

(1) Existing law specifies the places for holding sessions of the superior court.

This bill would authorize the judges of a superior court to order sessions of the court to be held at any place where a municipal court holds sessions within the county

(2) Existing law provides for 11 judges for the North Orange County Municipal Court

This bill would increase the number of judges for the North Orange County Municipal Court from 11 to 12.

(3) Existing law authorizes 2 municipal court commissioners for the West Orange County Judicial District, and one municipal court ~~commission~~ [commissioner]* each for the South Orange County and Orange County Harbor Judicial Districts

This bill would authorize one municipal court commissioner for the Central Orange County Judicial District.

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1581 (SB 1820) Rains Courts

(1) Existing law provides for rules of civil procedure applicable to the courts, and provides for a pilot project for the use of simplified pleadings and procedures in 2 municipal and 2 superior courts

This bill provides for the use, on or after July 1, 1983, of specified procedures for cases in justice and municipal courts in which the amount in controversy does not exceed

$15,000, including the use of case questionnaires for pleadings, limited discovery, and the use of affidavits at trial The bill would contain related provisions, and set forth the findings of the Legislature

(2) Existing law specifies there are 7 municipal court judges in the Long Beach Municipal Court District

This bill would provide that at any time as the Los Angeles County Board of Supervisors finds there are sufficient funds for 10 judges for the Long Beach Municipal Court District and adopts a resolution to that effect, there shall be 10 judges in the Long Beach Municipal Court District

(3) Existing law provides for 3 judges of the municipal court in the Santa Barbara-Goleta judicial district

This bill would increase the number of judges of the municipal court in the Santa Barbara-Goleta judicial district from 3 to 4

(4) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1582 (AB 3255) Deddeh Courts

(1) Existing law establishes reporter's filing fees for municipal courts in San Diego and Santa Clara Counties

This bill would expand the requirements for payment of a reporter's filing fee in municipal courts in San Diego and Santa Clara Counties

(2) Existing law specifies the number, classification, qualifications, compensation, duties, and benefits of specified municipal court personnel in San Diego County

This bill would revise the number, classification, qualifications, compensation, duties, and benefits of those municipal court personnel in San Diego County

(3) Existing law provides for 22 judges of the municipal court for the San Diego Judicial District

This bill would authorize an increase in the number of judges of the municipal court for the San Diego Judicial District from 22 to 23 upon the adoption of a specified resolution by the board of supervisors This provision would become operative on February 1, 1983

(4) Existing law provides that the sheriff shall attend superior court and the marshal shall attend municipal court

This bill would provide that the marshal shall attend the superior court as well as the municipal court in San Diego County, and make related changes

(5) Existing law provides for court services officers

This bill would provide that court services officers are ineligible as safety members of the County Employees Retirement System

(6) Existing law provides that specified security officers constitute peace officers.

This bill would specify that court services officers in San Diego County are peace officers

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1583 (AB 2758) Thurman Dairy products

(1) Under existing law, milk or cream produced at a dairy farm is required to be cooled to a temperature within 4 degrees Fahrenheit of the temperature of the coldest water which is available on the premises within one hour after it is drawn from the cows or goats and kept as cool as conditions will permit until delivery to a milk products plant

This bill would instead require the milk or cream to be cooled to a temperature of 50

degrees Fahrenheit or lower within one hour after being drawn and to be maintained at that temperature until delivery to a milk products plant.

(2) Existing law prescribes the labeling requirements of cheese which is cut and wrapped or packaged into individual consumer packages, but does not specifically prescribe the labeling requirements of cheese which is made from raw milk.

This bill would require any cheese which is labeled as being manufactured from raw milk to be manufactured from milk that has been cooled as provided in (1) above. The bill would also require that raw milk cheese contain 5 or more units of phosphatase under a specified test

(3) Existing law prescribes the contents and permissible moisture content of cream cheese.

This bill would authorize the moisture content of cream cheese to be adjusted with specified forms of whey

(4) Existing law authorizes the use of an acidification process to manufacture milk products which are otherwise manufactured with the treatment or addition of cultures Specified milk products which require cultures, including cream cheese, may not be manufactured using the acidification process

This bill would authorize the use of the acidification process to manufacture cream cheese and require this type of cream cheese to be labeled "acidified cream cheese." The bill would also authorize the acidification process to be combined with the addition of cultures in manufacturing products which can be manufactured using the acidification process, and would require the word "acidified" in the labeling of the product.

(5) Under existing law, the Director of Food and Agriculture is authorized to allocate, from funds generated from specified assessments on handlers of market milk, the sum of $30,000 in fiscal year 1981–82 for the purchase and installation of an infrared milk analyzer to assist in complying with specified testing requirements.

This bill would instead permit these funds to be so allocated in the 1982–83 fiscal year

(6) Under existing law, it is an unfair trade practice and unlawful for a processor, handler, distributor, or agent of any such person to refuse to negotiate or bargain, as specified, with a cooperative bargaining association on any commodity which the association represents if the processor, handler, distributor, or agent has had a prior course of dealing, as defined, with the association.

This bill would additionally require a processor, handler, distributor, or agent to negotiate or bargain as stated above if that person has newly gone into business in California by locating in this state, by being created from other business entities which had a prior course of dealing with a bargaining association, or by being newly created and utilizing substantially the same processing facilities as a prior processor which itself was subject to the negotiating or bargaining requirements

(7) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1584 (AB 2606) Kapiloff Vehicles. new car dealers revision of definition and board

(1) Existing law defines "distributor", for purposes of the Vehicle Code, as a person other than a manufacturer who sells or distributes new motor vehicles subject to registration

This bill would expand the definition of "distributor" to include persons who sell or distribute new off-highway motorcycles subject to identification The bill would also define "off-highway motorcycles "

(2) Existing law defines a "franchisee" as any person who, pursuant to a franchise, receives new motor vehicles subject to registration, and defines a "franchisor" as any person who manufactures, assembles, or distributes new motor vehicles subject to registration under the Vehicle Code.

This bill would expand the definition of a "franchisee" to include persons who receive, and "franchisor" to include persons who manufacture, assemble, or distribute, new

off-highway motorcycles.

(3) Existing law defines a "new motor vehicle dealer" as a dealer who acquires for resale new and unregistered motor vehicles from the manufacturer or distributor.

This bill would revise the definition of "new motor vehicle dealer" to specifically include dealers who acquire for resale new and unregistered off-highway motorcycles from the manufacturers or distributors of the vehicles

(4) Existing law defines a "vehicle manufacturer," among other things, as a person who produces from raw materials or basic components a vehicle of a type subject to registration

This bill would include under the definition of "vehicle manufacturer" a person who produces from raw materials or basic components off-highway motorcycles subject to identification

(5) Under existing law, the New Motor Vehicle Board consists of 9 members, 4 of whom are required to be new motor vehicle dealers. Existing law also establishes a per diem of $25 for each member of the board

This bill would increase the per diem to $75.

(6) Under existing law, the New Motor Vehicle Board is authorized to, among other things, adopt rules and regulations and investigate and consider activities and practices of various persons, including persons holding licenses as new motor vehicle dealers, manufacturers, and distributors The provisions do not apply, among others, to transactions involving off-highway motor vehicles subject to identification

This bill would make those provisions applicable to off-highway motorcycles

(7) Under existing law, the New Motor Vehicle Board may require that fees be paid to the Department of Motor Vehicles for issuance or renewal of a license to do business as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative Existing law requires that revenue to be used to reimburse the department for costs incurred in licensing those dealers, manufacturers, distributors, branches, and representatives.

This bill would require motor home manufacturers and the manufacturers, distributors, branches, and representatives of off-highway motorcycles to pay those fees, and would require that the revenue be also used for costs incurred, if any, by the department in the administration of the activities and practices of new motor vehicle dealers, manufacturers, distributors, branches, and representatives

Ch 1585 (AB 3318) Lehman. Trial courts Fresno and Lake Counties

Existing law provides for 13 judges of the superior court, and 8 judges of the municipal court, in Fresno County, and provides for one superior court judge in Lake County

This bill would increase the number of judges of the superior court in Fresno County from 13 to 14, and increase the number of judges of the municipal court in Fresno County from 8 to 9, both increases to be operative July 1, 1983. The bill would, in addition, increase the number of judges of the superior court in Lake County from 1 to 2 operative upon the adoption of a specified resolution by the board of supervisors.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1586 (AB 2675) Hannigan State-mandated local costs

(1) Existing law specifies various procedures relating to claims that may be made to the Controller for reimbursement to a local entity for costs mandated by the state.

This bill would amend these procedures but would state that these amendments do not constitute a change in, but are declaratory of, the existing law

(2) This bill would appropriate $24,182,952 41 from the General Fund to the State Board of Control and to the Controller, as specified, to pay claims against the state of local agencies and school districts for additional reimbursement for specified state-mandated local costs

(3) This bill would set forth certain findings and declarations of the Legislature

relating to specified legislation and regulations and state-mandated local costs

(4) This bill would take effect immediately as an urgency statute.

Ch 1587 (AB 3763) Robinson Courts physical facility

(1) Existing law authorizes specified amounts derived from fines and bail forfeitures to be deposited in a fund for courtroom facility purposes upon adoption of a resolution by the Board of Supervisors of San Francisco

This bill would authorize a surcharge not to exceed $50 upon civil filing fees by the City and County of San Francisco upon adoption of a resolution by the board of supervisors

(2) Existing law requires a division of the Court of Appeal for the Fourth Appellate District to hold its regular sessions in Orange County, but does not provide for a physical facility for use by that division

This bill would, by operation of law, transfer all rights, title, and interests in the old county courthouse in Santa Ana, to the State of California on January 1, 1984, unless the County of Orange takes specified action prior to that date, for use as a physical facility by the division of the Fourth Appellate District Court of Appeal required to hold its regular session in Orange County, with title to revert to Orange County within 5 years upon specified conditions

This bill would require the Department of General Services, in cooperation with the Judicial Council, to make that facility suitable for the court

(3) This bill would take effect immediately as an urgency statute

Ch 1588 (SB 1025) Robbins Defamation

Under existing law, there is no liability for defamation on account of a privileged publication

Existing law provides, among other things, that a publication or broadcast made in any official proceeding authorized by law, or in the initiation or course of certain other proceedings, is privileged

This bill would provide that, notwithstanding the above privileges, a peace officer may bring an action for defamation against an individual who has filed a complaint with the officer's employing agency alleging misconduct, criminal conduct, or incompetence of the peace officer if the complaint was made with knowledge that it was false and was made with spite, hatred, or ill will

Ch 1589 (AB 3195) Cortese Taxation

Under existing law, the State Board of Equalization has authority to seize and sell certain assets to satisfy unpaid tax liabilities However, it does not have authority to request information from financial institutions as to whether the financial institution has a security interest in the asset which the board proposes to seize and sell

This bill would authorize the board to secure information from a financial institution as to the amount of any security interests the institution has in an asset owned by a tax debtor

Under existing law, the State Board of Equalization may issue a notice to withhold to persons holding property owned by tax debtors who must retain the property for up to 60 days The funds are collected by a warrant issued to the county sheriff

This bill would authorize the board to levy collection warrants simultaneously with notice to withhold, instead of utilizing the services of the sheriff

The bill would also revise the Energy Resources Surcharge and the Telephone Users Surcharge Laws to conform to lien provisions existing in other tax statutes

Current law authorizes the Department of Motor Vehicles to seize and sell vehicles in order to pay delinquent registration and transfer fees, but does not authorize the department to withhold from the proceeds any delinquent use tax which is due from previous unreported sales

This bill would authorize the department to withhold any delinquent use tax from the sales proceeds

Under the existing Use Fuel Tax Law, specified provisions relating to use fuel tax permits and returns and payments of use fuel tax do not apply to a user of fuel whose sole use of fuel in this state is for the propulsion of a privately operated passenger motor vehicle, provided that the fuel used, with a certain exception, is purchased from and

delivered into the fuel tank of the vehicle by a vendor.

This bill would extend the exemption from the application of the use fuel tax permit and returns and payments provisions to a user of fuel whose sole use of fuel in this state is for the propulsion of a commercial vehicle with unladen weight of less than 6,000 pounds

This bill would also exclude from the definition of "vendor" for purposes of the Use Fuel Tax Law a person who places the fuel, or causes the fuel to be placed into a receptacle on a privately operated passenger motor vehicle with respect to which a specified annual flat rate fuel tax has been paid for the current year and to which is attached the current prescribed identification emblem

Under existing law, a county is authorized to impose a tax, in one-cent increments, per gallon on motor vehicle fuel on a countywide basis, if a proposition granting the authorization is approved at an election, the county and cities have a written agreement on allocation of the tax revenues, and the proposition is approved by the board of supervisors and by a majority of the city councils having a majority of the population in the incorporated area of the county The county is required to contract with the State Board of Equalization for administration of the tax and to reimburse the state board for administrative expenses of collection The state board, after deduction of administrative costs, is required to transmit the net revenues to the county and cities in accordance with the allocation agreement

The bill would instead require the state board to transmit the new revenues to the county only and then the county would be required to distribute the revenues in accordance with the allocation agreement between the county and cities

Existing California Sales and Use Tax Law imposes a state sales or use tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from such tax

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Existing law, operative until January 1, 1983, exempts from state and local sales and use taxes orthotic and prosthetic devices, mammary prosthesis, related appliances, supplies, and replacement parts, and wheelchairs, crutches, canes, and walkers

This bill would extend the above exemptions indefinitely.

This bill would also exempt from state and local sales and use taxes insulin syringes used in the treatment of diabetes and programmable drug infusion devices to be worn on or implanted in the human body

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

This bill would make additional changes in Section 8608, Revenue and Taxation Code, proposed by SB 1531, to be operative only if SB 1531 and this bill are both chaptered, and this bill is chaptered after SB 1531

This bill would make additional changes in Section 7401, Revenue and Taxation Code, proposed by AB 2750, to be operative only if AB 2750 and this bill are both chaptered

The bill would also make additional clarifying and technical changes and codify various existing tax practices by the State Board of Equalization

Ch. 1590 (AB 774) Alatorre State contracts small business preference

Present law provides a procedure for the granting of a small business preference to qualifying small businesses for state procurements and construction contracts of the Office of the State Architect

This bill would make such procedure applicable to all other state agencies which contract for the construction, as specified, of state facilities and to all directors of all related agencies, as specified, and to all state construction contracts

It would also prohibit the small business preference from exceeding $50,000 for any bid

Present law requires an applicant for a small business preference to submit the required information under penalty of perjury, and prescribes specified penalties to be

assessed against a business which obtains a classification as a small business by reason of having furnished incorrect supporting information and which by reason of such classification is awarded a contract to which it would not otherwise be entitled

This bill would expand such grounds for such penalties. (1) to include, as an alternative to furnishing incorrect supporting information, withholding information, and (2) adding an additional knowledge element that the business knew, or should have known, the information furnished was incorrect or the information withheld was relevant to its request for classification

This bill would also entitle a business, prior to the imposition of such penalties, to a specified prior notice and a public hearing

Ch. 1591 (AB 2532) Elder Sales tax. mobilehomes.

Existing California Sales and Use Tax Law imposes a state tax on the sale or use of tangible personal property in the state, unless such sale or use is exempted from tax The law defines "sales price" and "gross receipts" for purposes of measuring the taxes and specifically excludes the value of certain items from "sales price" and "gross receipts" for purposes of the state and local sales and use taxes on the sale or use of used mobilehomes.

Moreover, counties, cities, and certain transit districts are authorized to impose local sales and use taxes in conformity with the state's taxes. Exemptions from the state sales and use taxes enacted by the Legislature are automatically incorporated into the local taxes

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities, but not the transit districts, for revenue losses caused by the enactment of sales and use tax exemptions

This bill would instead provide until January 1, 1987, that "sales price" and "gross receipts" for the purposes of the state and local sales and use taxes on the sale or use of a used mobilehome shall be based on the current value of the used mobilehome as determined by a recognized value guide, as specified It would also make related technical changes thereto.

This bill would also provide that no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill

This bill would take effect immediately as a tax levy.

Ch. 1592 (AB 3783) Bosco. Bear violations

(1) Under existing law, it is a misdemeanor, punishable by a fine of $500, imprisonment in the county jail for 6 months, or both the fine and imprisonment, to sell or purchase the meat, skin, hide, teeth, claws, or other parts of a bear, except for a bear raised under provisions relating to domestically raised game mammals

This bill would increase the punishment for that offense to a fine of $5,000, imprisonment in the state prison or the county jail for a period not to exceed one year, or both the fine and imprisonment

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(3) The bill would take effect immediately as an urgency statute

Ch 1593 (SB 1535) Marks Community care facilities

Under the California Community Care Facilities Act, before issuing a license or special permit, a criminal record clearance is required for specified persons, including the facility administrator or manager and any person residing or regularly in the facility having routine contact with the residents

This bill would revise those provisions to require the criminal record clearance of adults responsible for administration or direct supervision of staff, persons residing in the facility, persons providing certain client assistance, and staff persons or employees having frequent and routine contact with the clients

The bill would also require that these employees be fingerprinted and sign a statement regarding prior criminal convictions at the time of employment and that the fingerprints be submitted to the licensing agency within 20 days following employment

This bill would state that no exemption shall be granted if the applicant or administrator of a community care facility located within one mile of an elementary school has been convicted of a sex offense against a minor, as defined. If such an exemption has been granted prior to January 1, 1983, this bill would require termination of the exemption on June 30, 1983, after specified notice to the facility

Ch. 1594 (SB 2012) Maddy Hospital districts. directors compensation

Existing law enumerates the various powers of a hospital district, including the power to establish, maintain, and operate one or more health facilities situated within the territorial limits of the district, and the power to establish, maintain, and carry on its activities through one or more corporations for the benefit of the hospital district

This bill would instead authorize the hospital district to establish, maintain, and operate one or more health facilities at any location within the hospital district's service area as stated in the state health plan The bill would authorize hospital districts also to establish, maintain, and carry on its activities through one or more joint ventures or partnerships

The bill would further provide that a hospital which contracts with an insurer, nonprofit hospital service plan, or health care service plan shall not determin. or condition medical staff membership or clinical privileges upon the basis of a physici..n's participation or nonparticipation in a contract with such insurer, hospital service plan, or health care service plan

This bill would incorporate additional changes in Section 32121 of the Health and Safety Code, proposed by SB 1978, to be effective only if SB 1978 and this bill are both chaptered and become effective January 1, 1983, and this bill is chaptered last

Existing law provides for a Medi-Cal program whereunder medical assistance is provided to public assistance recipients and other low income persons

In order for certain individuals to qualify, they must bear a share of the costs

This bill would require the State Director of Health Services to implement this requirement by means of emergency regulations, and provides that such regulations shall not be subject to the review and approval of the Office of Administrative Law

Existing law provides for a special negotiator to negotiate with hospitals for rates and other factors incident to the provision of services under Medi-Cal

This bill provides that other hospitals may continue to provide services until the negotiator has negotiated with a sufficient number of hospitals to meet the needs of recipients in the area.

Existing law exempts from the contract requirement regionalized and specialty hospitals, such as childrens' hospitals

This bill limits the category of exempt hospitals to childrens' hospitals and charitable research hospitals, and defines both categories

The bill authorizes the Department of Health Services to implement a new reimbursment policy of peer grouping of hospitals through emergency regulations, and requires the department to report to the Legislature on this policy by January 10, 1983

The bill would eliminate a provision which authorizes the Department of Health Services and the negotiator to suspend a hospital from further participation in the program, where they find such suspension to be in the best interest of the program.

The bill would authorize the negotiator to permit contracting hospitals for purposes of pathology, radiology and anesthesiology services, as specified, to impose reasonable limitations on the granting of medical staff membership or clinical privileges

The bill would grant an exemption for records of the negotiator, as specified, from the Public Records Act

The bill also grants exemptions from Knox-Keene Health Care Act requirements and General Services Administration contract review requirements for contracts entered into by the negotiator with hospitals, counties, and other types of health care systems

The bill would further provide that in determining rates of reimbursement for primary care providers with whom contracts are entered into by the department, reimbursement may be provided to cover the costs of case management

Existing law forbids specified arrangements between optometrists and dispensing

opticians.

This bill would provide that the Department of Consumer Affairs shall conduct a study on the effect of prohibiting these arrangements upon eye care, with the report to be submitted to the Legislature by February 1, 1983.

Existing law provides for the elimination of adults from eligibility under the medically indigent category except for adults residing in skilled nursing or intermediate care facilities

This bill would also provide that pregnant women shall remain eligible under the medically indigent category under circumstances where federal financial participation will be obtainable.

Existing law provides that real property in excess of $6,000 which is not used for a person's primary residence shall be considered in determining Medi-Cal eligibility

The bill would specify that when such property becomes subject to these limitations, a recipient shall remain eligible for the Medi-Cal program so long as the real property is listed with a real estate broker The state would have a right to place a lien on the property in order to collect reimbursement for Medi-Cal costs These provisions would operate to the extent permitted by federal law

Existing law provides that when a county proposes to reduce change or eliminate health services, or close a health facility, detailed public notice must be given as to the reductions or other changes

This bill would specify types of information which must be contained in the public notice

Existing law requires that under the Short-Doyle county mental health plans, utilization review systems shall be submitted to the Legislature by September 30, 1982, and shall be implemented on, or before, October 30, 1982

This bill would delete the date for submission to the Legislature and implementation

Existing law provides that under the Short-Doyle county mental health program, wherein funds are provided to counties for services pursuant to approved county plans, reimbursement rates shall be limited to 125% of the weighted average for service costs

This bill would specify that this average shall be computed using actual provided costs.

Existing law provides that providers shall only be reimbursed where services are medically necessary, as specified

This bill would exempt mental health services from this provision

Existing law prescribes penalties for claiming improper payments under the Medi-Cal program. The penalties include the cost of audits performed by the State Department of Health Services

This bill would define those costs included in performing audits

Existing law provides that, whenever a Medi-Cal provider is attempting to secure payment for services from a liable third party, the provider shall have 120 days after the month in which the service is rendered for submission of the bill, except as specified

This bill would instead provide that, whenever the provider has submitted a claim to a liable third party, the provider shall have one year after the month in which the service is rendered for submission of the bill

Existing law provides that one of the benefits available under the Medi-Cal program is in-home medical care services

This bill would include within the definition of that benefit, utility bills directly attributable to life-sustaining equipment, as specifed, to the extent that federal financial participation is obtainable

The bill would add to those benefits available under the Medi-Cal program home and community-based services as approved by the United States Department of Health and Human Services

The bill would make other related changes to the Medi-Cal program and other health services programs

Existing law provides that the State Director of Health Services shall establish a differential rate schedule whereby surgery procedures which can be performed in an outpatient setting are reimbursed at a higher rate when performed in this setting than when they are performed in an inpatient setting

This bill would instead provide that except for mental health services, the director may, but is not required to, establish a schedule of benefits

Existing law provides that as a result of the elimination of the medically indigent adult

category under the Medi-Cal program, counties shall receive funds for provision of health services, and that for the 1982–83 fiscal year, funds in the amount of 70% of the amount which would have been spent on these medically indigent adults shall be appropriated for allocation to the counties

This bill would provide that instead of 70% of such funds being appropriated to counties, the sum of $283,000,000 shall be transferred from specified budget act items to the Medically Indigent Services Account in the County Health Services Fund The bill would also require that no more than $21,500,000 be used for county eligibility determinations

The bill would also provide that, for the period ending June 30, 1983, any person meeting the eligibility requirements under the medically needy category under the Medi-Cal program for income and resources, except as specified, shall be eligible for services to the extent state funds are provided

Existing law provides that commencing January 1, 1983, with institutional providers, and commencing July 1, 1983, with noninstitutional providers, insurers may enter into contracts with such providers for alternative rates or limit payment under a policy to services secured by insureds from providers charging alternative rates pursuant to contract with the insurer.

The bill would make various modifications to this provision, including a requirement that the Commissioner of Insurance shall, on or before July 1, 1983, promulgate regulations applicable to these types of contracts which shall assure accessibility of provider services to individuals comprising the insured or contracted group

Existing law requires a copayment of $1 for drug prescription

This bill would specify exceptions to this requirement, and would postpone the entire requirement until federal approval is obtained.

Existing law provides specified reductions in the rates of payment to providers

This bill would include a 10% reduction for podiatrists, would exempt freestanding clinics, and would lower from $20,000,000 to $16,000,000 the proposed reduction in pharmacy program expenditures.

The bill also imposes restrictions on codeine prescriptions, and makes certain exceptions to restrictions on medical transportation

The bill makes other related changes in the schedule of reductions

This bill would take effect immediately as an urgency statute

Ch 1595 (AB 3490) Imbrecht. Long-term health care facilities· inspections, skilled nursing facilities.

The Long-Term Care, Health, Safety, and Security Act of 1973 requires the State Department of Health Services to conduct at least one licensure inspection annually of each facility subject to that act, and such additional inspections as may be necessary to rectify problems identified in prior inspections.

This bill would, instead, require department inspections annually without notice, except with regard to those facilities which have no class A or class B violations in the past two inspection years, and as may be necessary to assure the health, safety, and security of patients in long-term care health facilities. The bill would require every facility to be inspected at least once every 2 years. The bill would state the intent of the Legislature in enacting the amendments to this provision

The bill would state the Legislature's intent to identify skilled nursing facilities which constitute a threat to the health and safety of their residents, in order to pursue appropriate criminal or administrative action

Ch 1596 (AB 3280) Farr. Public funds.

Existing law provides that specified departments may advance a certain percentage of payments to private nonprofit agencies and to multipurpose senior services projects for the delivery of services, as specified

Existing law also provides that of specified funds allocated to each county, the State Department of Mental Health shall reimburse to each county the amount required by that county to carry out certain local mental health activities.

This bill, among other provisions, would permit the Department of Corrections, the Department of Health Services, and the Department of Mental Health to advance a certain percentage of annual allocations, subventions or reimbursements required for

the delivery of services by a county, provided the county has a population of 100,000 or less as of January 1, 1983, and provided the county has complied with claim schedules, as specified

In addition, the bill would provide that a county, under specified conditions, may advance to other affected local agencies located within its jurisdiction an amount not to exceed one-twelfth of the annual allocations, reimbursements or subventions required for the delivery of services pursuant to related state and federal laws

These provisions would be repealed on January 1, 1986

Existing law requires the State Department of Mental Health to reimburse each county the amount required by that county to carry out its local mental health activity, as specified In addition, existing law requires claims for the reimbursement to be presented to the department by each county, as specified

This bill would require that the department shall pay a county for reimbursable services rendered within 60 days of receipt of a claim

Ch 1597 (AB 2841) Agnos Long-term health care facilities

(1) Under existing law, the Long-Term Care, Health, Safety, and Security Act of 1973 provides for the issuance of citations by the State Department of Health Services for Class "A" and Class "B" violations and the assessment of civil penalties, as prescribed

This bill would prohibit the issuance of a citation for violations of regulations pertaining to the operation or maintenance of long-term health care facilities if the licensee has reported a violation to the department as an "unusual occurrence" and (1) the violation did not cause harm to any patient or guest, (2) the licensee promptly took reasonable measures to correct the violation and prevent a recurrence, and (3) the unusual occurrence report was the only source of information reported to the department regarding the violation

(2) Under existing provisions of that act, the department is also required to conduct at least one licensure inspection annually of each facility subject to the act and any additional inspections as may be necessary to rectify the problems identified in prior inspections

This bill would, instead, require department inspections annually without notice, except with regard to those facilities which have no class A or class B violations in the past 2 inspection years, and as may be necessary to assure the health, safety, and security of patients in long-term care health facilities The bill would require every facility to be inspected at least once every 2 years If there is a change in ownership or administration of a long-term health care facility, the bill would require an inspection within 90 days of the change The bill would state the intent of the Legislature in enacting the amendments to this provision

The bill would state the Legislature's intent to identify skilled nursing facilities which constitute a threat to the health and safety of their residents, in order to pursue appropriate criminal or administrative action

(3) Existing law requires that a citation for a class "B" violation specify the time within which the violation is required to be corrected and provides that if the violation is corrected within the specified time, no civil penalty shall be imposed

This bill would, instead, require a class "B" citation to specify the time within which the violation is to be corrected if the violation is capable of correction The bill would further provide that if the class "B" violation is corrected within a specified time, no civil penalties would be imposed Additionally, the bill would proscribe the assessment of a civil penalty by the director's designee at an informal conference, as prescribed, in the event the class "B" violation is corrected within a specified time, but the violation was a second or subsequent violation of the same regulation recurring within a 12-month period

(4) The bill would permit the state or a licensee, upon notifying the director of its intent to contest a citation, to submit the matter to binding arbitration The bill would require the parties to agree upon an arbitrator, as prescribed, and would further require the arbitration hearing to be set within 45 days of the petitioner's election period, but not less than 28 days from the date of the selection of an arbitrator The bill would permit the arbitration to be continued for up to 15 additional days at the arbitrators' discretion The bill states that the retention of, renewal of, or application for a license to operate a skilled nursing facility or intermediate care facility shall be deemed a written agree-

ment to arbitrate contested citations as specified The bill would require that the decision of the arbitrator be based upon substantive law and would be binding on all parties, subject to judicial review The bill would require the arbitrator to determine which party is liable for the costs of arbitration, as specified The bill would further require that any penalties assessed as a result of the arbitration decision be paid within 30 days of the date the decision becomes final The bill would require the department to withhold any payment under the Medi-Cal program to the facility if the facility does not comply with the decision for payment, unless the department determines that it would cause undue hardship to the facility or to patients of the facility

(5) The bill would require the department to establish a health facility fee scale for inclusion with the Budget for the 1983–84 fiscal year, which would structure fees based on the number of violations and the actual time spent by the department in licensing and monitoring the quality of care provided in each category of facilities

Ch 1598 (AB 3454) Bates Mental health services

(1) Under the existing Lanterman-Petris-Short Act, any person who is dangerous or gravely disabled as a result of mental disorder or inebriation may be involuntarily detained for 72-hour treatment and evaluation and certified for an additional period of not more than 14 days of involuntary intensive treatment

This bill would require that a certification review hearing be held when these persons are certified for an additional 14 days of intensive treatment The bill would specify the procedures for these hearings. The bill would require the county Short-Doyle plan to include a description of the county's procedures for administering these certification review hearings, as specified.

The bill would require the State Department of Mental Health to submit a report to the Legislature on or after May 1, 1983, relating to county costs in implementing these provisions.

This bill would repeal certain provisions which require the State Department of Mental Health to report to the Legislature biennially regarding the department's acts and procedures for the previous 2 years, and on certain prospective needs for the care, custody, and treatment of the mentally disordered.

(2) Under existing law, the officer providing conservatorship investigation under the Lanterman-Petris-Short Act is required to render a written report of the investigation prior to the hearing for the conservatorship, containing information regarding the person's medical, psychological, financial, family, vocational, and social condition, and information concerning the person's real and personal property

This bill would also require that the report contain information obtained from the person's family members, close friends, social worker, or principal therapist

(3) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

Ch. 1599 (SB 1655) Alquist Appropriation State Board of Control; PERS Board of Administration.

This bill would appropriate $3,441,696.84 from state funds, as specified, to the State Board of Control to pay the claims of the State Board of Control

This bill would also appropriate $400,000† to the Board of Administration of the Public Employees' Retirement System for expenses and costs incurred during the 1981–82 fiscal year from the Public Employees' Retirement Fund in augmentation of Item 190-001-830 of the Budget Act of 1981 relating to the Public Employees' Retirement System.

This bill would take effect immediately as an urgency statute.

† Appropriation deleted by action of the Governor

Ch 1600 (SB 1374) O'Keefe State property

Under existing law, the Director of General Services, with the consent of the State Department of Health Services, is authorized to lease for a period not to exceed 50 years certain real property not exceeding 43 81 acres located within the grounds of the Agnews State Hospital to a nonprofit corporation to conduct an educational and work program for mentally retarded and other handicapped persons

This bill would permit the lease to be revised to expand the nonprofit corporations, powers under the lease and would make other changes, as specified

Ch 1601 (SB 1759) Sieroty Sales of fine art

Existing law provides for the payment of a sales commission or royalty to the artist or artist's agent of an original work of art upon its resale on specified conditions and subject to specified exceptions Existing law provides that the right of the artist to receive the royalty is not transferable and may be waived only as specified Existing law also provides that artists may bring an action for damages to recover unpaid royalties

This bill would provide that an artist may assign the right to collect the royalty payment to an individual or entity, and would provide, in addition, that the prevailing party in any action for damages shall be entitled to reasonable attorney fees, and that, upon the death of an artist after January 1, 1983, the rights and duties of the artist relating to the recovery of royalty payments shall inure to the artist's heirs, legatees, or personal representative, until the 20th anniversary of the death of the artist

This bill would further create an additional exception from the required payment of a royalty where the sale is one between a dealer and a third person within 10 years of the initial sale to a dealer by the artist, where all intervening sales were between art dealers

Existing law does not impose citizenship or residence requirements upon artists who are entitled to receive a royalty payment

This bill would define "artist" as the person who creates the fine art and who is a United States citizen, or is a resident of the state

This bill would also define "art dealer "

The bill would incorporate additional amendments relating to the definition of fine art, contingent upon the prior enactment of AB 3299, and also would incorporate amendments made by Chapter 497 of the Statutes of 1982, as specified

Ch 1602 (AB 604) Rosenthal Seismic safety rehabilitation loans

Existing law does not specifically provide for a low-cost loan program for owners of structurally unsafe buildings to bring the buildings up to applicable standards for seismic safety

This bill would authorize a city, county, or city and county to provide financing, as prescribed, for costs to owners of "eligible buildings," as defined, in making structural or other modifications in order to meet local reconstruction standards The bill would provide that the interest rate on the financing provided would be limited to the amount necessary to pay the interest on the bonds issued and to defray the costs of administration incurred by the local agency The bill would also authorize the local agencies to conduct a financing program in tandem with the Marks-Foran Residential Rehabilitation Act of 1973, and would authorize the local agencies to issue one form of bond to be jointly secured, as prescribed The bill would further authorize the local agencies to issue the bonds free from all direct and indirect state taxation in order to finance the program This bill would require the local agencies to submit to the Housing Bond Credit Committee, before issuing any bonds, a statement of purpose for which the bonds are proposed and the amount of the proposed bond The bill would limit to $200,000,000 the aggregate amount of these bonds to be approved by the committee, as prescribed The bill would require the local agency to reimburse the committee for all its administrative costs pursuant to these provisions

The bill would make various findings and declarations

Ch 1603 (AB 1935) Goggin Democratic Party

The existing provisions of law governing the selection of delegates and alternate delegates to the Democratic National Convention require these delegates to be apportioned so that 75% of the total delegation is apportioned among the congressional districts according to a prescribed formula The remaining delegates are apportioned in accordance with a specified selection procedure which includes giving preference to

elected officials and party leaders

This bill would revise the selection of delegates to the Democratic National Convention Specifically, it would require 75% of the state's base delegation to be selected at the Assembly district level, rather than the congressional district level Those delegates and alternates selected at the Assembly district levels shall be allocated so that one-half shall be selected by caucuses, as provided in the bill, and the other one-half shall be elected by direct vote based on the votes received in the Assembly district on the presidential primary ballot

The bill also provides that the remaining 25% of the state's base delegation shall be elected at-large Additionally, elected and party officers who are pledged or unpledged shall be selected as add-on delegates in the manner provided in the bill

Ch 1604 (SB 11) Maddy Taxation contributions or gifts

Existing provisions of the California Personal Income Tax Law authorize the deduction of certain charitable contributions from adjusted gross income, in the computation of taxable income The deduction is not authorized if the taxpayer does not itemize deductions in those computations

This bill would permit, beginning in taxable year 1984, an individual who does not itemize personal deductions to deduct a portion of charitable contributions directly from adjusted gross income, as specified This deduction would not be applicable to contributions made after December 31, 1986

The bill would also provide that for purposes of determining whether a taxpayer's charitable contributions exceed the maximum 20 percent of adjusted gross income allowed for charitable deductions, the adjusted gross income shall be computed without regard to the taxpayer's charitable contributions

This bill would take effect immediately as a tax levy, but it would apply in the computation of taxes for taxable years beginning on or after January 1, 1984

Ch 1605 (SB 1526) Greene Economic development

Existing provisions of the California Industrial Development Financing Act provide for the establishment of industrial development authorities by cities and counties. The industrial development authorities are authorized to issue industrial development bonds, proceeds of which would be used to fund capital projects of private enterprise

This bill would repeal that act on January 1, 1987

This bill would also revise various provisions of that act

Among other things, it would revise requirements relating to the suitability of acquired property

It would revise various definitions

It would revise provisions relating to the composition of the board of a development authority, and disclosure by members of financial interests

It would revise provisions relating to the powers of authorities

It would make various administrative changes, including changes relating to review by the California Industrial Development Financing Advisory Commission

It would provide for the approval by public agencies of a project, and would provide that the project shall comply with all conditions imposed by the public agency in its approval of the project

It would change a maximum interest rate for bonds issued by an authority from 10% to 12%, or in some instances, a higher rate

It would increase the maximum aggregate amount of bonds from $200,000,000 to $250,000,000 per calendar year commencing January 1, 1983

The bill would also make certain changes with respect to the approval of projects by the California Pollution Control Financing Authority

It would require the wages of workers on projects financed pursuant to the California Industrial Development Financing Act to be not less than the generally prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed, as determined by the Director of the Department of Industrial Relations, as specified

Ch 1606 (SB 1562) Russell School employees' retirement systems benefits increases

Existing State Teachers' Retirement Law provides for retirement benefits to be annually increased by a 2% improvement factor

This bill would make annual cost-of-living adjustments for retirants, disabilitants, and beneficiaries in excess of the 2%, from General Fund appropriations in the annual Budget Act, as specified, and would create a Retirees' Purchasing Power Protection Account to receive these appropriations The bill would continuously appropriate this account for that purpose, and would prescribe the manner of distribution of the money in the account The bill would require the retirement board to inform each recipient of these benefits that the increases are not cumulative, not part of the base allowance, and will be available only as appropriated annually in the Budget Act

This bill would take effect immediately as an urgency statute

Ch 1607 (SB 1920) Johnson Lands unauthorized entry

Under existing law, it is unlawful to enter, among other areas, any uncultivated or unenclosed lands where signs forbidding trespass are displayed at intervals not less than 3 to the mile along all exterior boundaries and at all roads and trails entering the lands, for the purpose of discharging any firearm or taking or destroying any mammal or bird on the lands without having first obtained written permission from the owner.

This bill would expressly include within those provisions lands temporarily inundated by water flowing outside the established banks of a river, stream, slough, or other waterway

The bill would take effect immediately as an urgency statute

Ch 1608 (AB 3360) Sher Subdivisions condominiums common areas

Existing law authorizes the Real Estate Commissioner to issue a public report respecting a condominium, community apartment, stock cooperative, or planned development subdivision or interest if he or she makes specified findings. If the common areas of the development are not completed prior to the issuance of a final subdivision public report on the project, the subdivider is required to specify a reasonable date of completion and to comply with one of several specified conditions

This bill would include among the permissible conditions the arrangement of lien and completion bonds to assure lien-free completion of common area improvements and the placing of all funds from the sale of condominium interests in a neutral escrow account until the structure in which the purchaser's unit is located has been completed and all lien periods applicable to the purchaser's interests in the project have expired or have been insured against

Ch 1609 (AB 3299) Chacon Fine art

Existing law provides that sellers of fine art must pay to the artist 5% of the amount of sale, and also provides that no person, except the artist, can destroy a work, except as specified Those provisions define fine art as an original painting, sculpture, or drawing, as specified.

This bill would also include an original work of art in glass within the definition of fine art, as specified

AB 707 would make substantial and comprehensive revisions to the law regarding the enforcement of judgments

This bill would make conforming changes with regard to the exemption from the enforcement of judgments of certain moneys held by sellers or agents with respect to fine art

Existing law provides that porcelain painting is considered a fine art and not a craft, but there are no provisions characterizing stained glass artistry as a fine art or as a craft.

This bill would provide that stained glass artistry shall be considered a fine art and not a craft

The bill would incorporate additional amendments proposed by SB 1757 and 1759, contingent upon the prior enactment of SB 1757 and 1759, respectively

Ch 1610 (AB 455) Young. Ridesharing

Existing law authorizes the Department of Transportation to establish ridesharing programs in metropolitan areas, including carpooling, vanpooling, and buspooling, with funds made available from any source

Chapter 502 of the Statutes of 1982 enacts the Rideshare Support and Improvement

Act effective January 1, 1983, for the purpose of planning and implementing ridesharing programs and creates the Ridesharing and Alternative Transportation Fund which is continuously appropriated to the Secretary of the Business, Transportation and Housing Agency for allocation to the department and each transportation planning agency, county transportation commission, and the San Diego Metropolitan Transit Development Board for purposes of planning and implementing ridesharing programs

This bill would make changes in Chapter 502 of the Statutes of 1982 to state the intent of the Legislature that its funds shall be in addition to and not a substitute for existing ridesharing funds, and that the funds shall be used for implementing ridesharing programs rather than planning to the maximum extent feasible The bill would delete the San Diego Metropolitan Transit Development Board from the list of entities eligible for an allocation of funds from the Secretary of the Business, Transportation and Housing Agency The bill would clarify the transfer of funds from the General Fund to the Ridesharing and Alternative Transportation Fund made by Chapter 502

Ch 1611 (AB 2671) Young Consumer credit

Existing law prescribes in two sets of provisions, one operative until October 1, 1982, and the other operative on and after October 1, 1982, the maximum finance charge which may be assessed on retail installment sales made pursuant to a retail installment contract or a retail installment account, as specified A willful violation of any of these provisions is a misdemeanor

This bill would provide that the provisions which are to be operative until October 1, 1982, shall, instead, be operative until January 1, 1984, and that the provisions which are to be operative on and after October 1, 1982, shall instead be operative on and after January 1, 1984

This bill would take effect immediately as an urgency statute.

Ch. 1612 (AB 2794) Hannigan California Tahoe Regional Planning Agency deactivation: successor agency

Existing law provides for deactivation of the California Tahoe Regional Planning Agency upon the effective date of ordinances, rules and regulations adopted by the bistate Tahoe Regional Planning Agency to implement its regional plan in accordance with the Tahoe Regional Planning Compact

This bill would designate the Secretary of the Resources Agency as successor to the powers and duties of CTRPA, and the members of its governing board, for purposes of winding up the affairs of the agency following its deactivation The bill would prescribe additional powers of the Secretary of the Resources Agency in connection with CTRPA It would require the Secretary of the Resources Agency to designate either the Tahoe Planning Agency or one or more of the cities and counties within the Tahoe region as agent of the secretary to serve as his or her administrative representative within the region, to perform functions specifically authorized by the secretary in connection with matters which may be pending and unresolved when CTRPA is deactivated

Ch 1613 (SB 1595) Stiern Consumer credit

Under existing law, (1) with respect to a retail installment contract for the sale of household furniture, furnishings, or appliances by a seller whose gross sales during the immediately preceding 12-month period have not exceeded $10,000,000, the finance charge may, from April 1, 1982, until October 1, 1982, be assessed at $1\frac{1}{2}$ of 1% on the portion of the balance less than $3,000, plus $\frac{2}{3}$ of 1% on the portion of the balance in excess of $3,000, and (2) with respect to a retail installment account the outstanding balance of which was incurred only as a result of retail installment sales of household furniture, furnishings, or appliances by a seller whose gross sales during the 12-month period immediately preceding the imposition of the finance charge have not exceeded $10,000,000, the finance charge may, until October 1, 1982, be assessed at 1.6% on the portion of the balance less than $3,000, plus 1% on the portion of the balance in excess of $3,000 Existing law also makes a legislative finding and declaration with regard to the need for these provisions

This bill would provide instead that (1) with respect to a retail installment contract by a seller whose total gross sales in an individual retail outlet have not exceeded $20,000,000 during the immediately preceding 12-month period and whose gross sales in

household furniture, furnishings, or appliances during the immediately preceeding 12-month period exceeded 80% of its total gross sales, the finance charge may, from April 1, 1982, until October 1, 1982, be assessed at $1\frac{1}{2}$ of 1% on the portion of the balance less than $3,000, and (2) with respect to a retail installment account the outstanding balance of which was incurred by a seller whose total gross sales in an individual retail outlet have not exceeded $20,000,000 during the immediately preceding 12-month period and whose gross sales in household furniture, furnishings, or appliances during the immediately preceding 12-month period exceeded 80% of its total gross sales, the finance charge may, from April 1, 1982, until October 1, 1982, be assessed at 1 6% on the portion of the balance less than $3,000, plus 1% on the portion of the balance in excess of $3,000 The bill would also revise the existing legislative finding and declaration with regard to the need for these provisions

This bill would incorporate additional changes in (1) Section 1805 1 of the Civil Code, as added by Section 9 of Chapter 129 of the Statutes of 1982, and (2) Section 1810 2 of the Civil Code, as amended by Section 3 of Chapter 1146 of the Statutes of 1981, proposed by AB 2671, to be operative only if this bill and AB 2671 are both chaptered and become effective on or before January 1, 1983, and this bill is chaptered last

The bill would take effect immediately as an urgency statute

Ch 1614 (AB 3668) Ingalls. Retail installment contracts and accounts.

Existing law prescribes in two sets of provisions, one operative until October 1, 1982, and the other operative on and after October 1, 1982, the maximum finance charge which may be assessed on retail installment sales made pursuant to a retail installment contract, or a retail installment account, as specified A willful violation of any of these provisions is a misdemeanor AB 2671 of the 1981–82 Regular Session of the Legislature would operate, if chaptered into law, to extend specified operative dates of those provisions SB 1595, if chaptered, would revise provisions relating to the finance charge which may be assessed on retail installment sales or accounts with respect to household furniture, furnishings, or appliances

The bill would, with certain revisions, as specified, repeal provisions of AB 2671 or SB 1595, if chaptered, and instead prescribe in two sets of provisions, one operative until January 1, 1984, and the other operative thereafter, the maximum finance charges which may be assessed on retail installment contracts, or retail installment accounts, as specified.

Various provisions of the bill would be operative or inoperative contingent upon the enactment of AB 2671 or SB 1595

Ch. 1615 (SB 1556) A. Garcia. Contractors fees

Existing law sets forth a schedule of fees relating to licensure as a contractor, which fees are deposited in the continuously appropriated Contactors' License Fund, as specified

This bill would revise the types and amounts of fees provided for in the schedule thus resulting in an appropriation to continuously appropriated fund.

It also would make a statement as to legislative intent concerning further revision of these fees.

The bill also would make additional changes to Section 7137 of the Business and Professions Code contingent upon the enactment and prior chaptering of SB 922

This bill would take effect immediately as an urgency statute

Ch. 1616 (AB 2922) Berman. Santa Monica Mountains Zone

(1) Under the Santa Monica Mountains Conservancy Act, the Santa Monica Mountains Conservancy is composed of 7 voting members and 1 nonvoting member

This bill would revise the composition to 7 voting members and 2 ex officio members The 2 ex officio members would be appointed by the State Coastal Conservancy and the California Coastal Commission The members appointed by the commission and the state conservancy would be nonvoting members, except as specified.

(2) Under the act, the 3 public members of the Santa Monica Mountains Conservancy and the members appointed by the State Coastal Conservancy and the California Coastal Commission, if the members are also public members of their agency, are compensated $100 per day for attendance at meetings of the conservancy and reimbursed for actual

and necessary expenses, including travel expenses, incurred in the performance of their duties

This bill would provide the same compensation for the member appointed by the Board of Supervisors of the County of Los Angeles, for the appointed member representing the City of Los Angeles, and for the member appointed by the Board of Supervisors of the County of Ventura or their designees, unless the member or designee is also a member of the board of supervisors, in which case no compensation would be paid The bill would require all members of the conservancy to be reimbursed for actual and necessary expenses, including travel expenses, incurred in the performance of their duties

(3) Under the act, the conservancy is authorized to acquire and improve, or to award grants or interest-free loans to cities, counties, and recreation and park districts for acquiring and improving, real property within the Santa Monica Mountains Zone for specified purposes

This bill would authorize the conservancy, by interagency agreement, to cooperate with resource conservation districts to carry out the purposes and objectives of the act.

The bill would also authorize the conservancy to award grants or interest-free loans to resource conservation districts for acquisition or restoration of real property within the zone for specified purposes.

The bill would also authorize, upon mutual agreement of the conservancy and the governing body of a local government or special district, conservancy funds received and proceeds of excess properties acquired from that jurisdiction to be expended for open-space purposes within any area of the jurisdiction

(4) Under the act, the Director of General Services is authorized, upon request of the conservancy, to lease or dispose of any land, or interest therein, acquired for purposes of the act

This bill instead would require the director to do so.

(5) Under the act, the authority of the conservancy and the State Coastal Conservancy to carry out projects within the zone depends on whether a local coastal program has been certified for the area

This bill would give the State Coastal Conservancy the responsibility for carrying out projects identified in a certified local coastal program and the conservancy the responsibility to undertake projects in the zone that implement the plan approved by the Secretary of the Interior.

(6) Under the act, the executive director of the conservancy is required to submit any acquisition or improvement within the zone which is within the coastal zone to the State Coastal Conservancy for review and, if the State Coastal Conservancy has not acted to disapprove the acquisition or improvement within 60 days, the acquisition or improvement may proceed

This bill would specify the grounds on which the State Coastal Conservancy may disapprove, and would require the executive officer of the State Coastal Conservancy to submit any proposed plan or project within the coastal zone portion of the zone to the executive director of the conservancy for review at least 60 days prior to approval by the State Coastal Conservancy If the Santa Monica Mountains Conservancy has not acted to disapprove the proposed plan or project within 60 days, the plan or project may proceed

(7) Under the act, the executive director of the conservancy is appointed by the Governor

This bill would require the executive director to be appointed by the conservancy and would make related changes

(8) Existing law requires all areas which are or will become units of the state park system to be classified into one of certain specified categories. After classification, the Department of Parks and Recreation is required to prepare and the State Park and Recreation Commission is required to approve a general plan for the unit

This bill would exempt from those requirements a specified portion of land within Malibu Creek State Park and portions of land purchased for the Malibu Bluffs Project and would authorize the Director of Parks and Recreation to enter into an operating agreement with a local agency or lease those properties for recreational purposes, as specified

(9) Chapter 809 of the Statutes of 1980, among other things, appropriated funds to the

Department of Parks and Recreation for the acquisition of Willacre Estate as a Santa Monica Mountains park Any moneys received by the state for disposition of lands under the act are required to be deposited in the Santa Monica Mountains Conservancy Fund and are available for purposes of the act.

This bill would require the department to transfer Willacre Estate to the conservancy. The bill would allow disposition of not more than 13 acres of the property if the conservancy finds that the property to be disposed of is not needed for park or recreation purposes. The executive director of the conservancy would then be required to enter into an interagency agreement with the department whereby at least one-half of the proceeds from any disposition of the property would be required to be expended by the department, when appropriated pursuant to the Budget Act, for capital outlay for parks and recreational purposes within the Santa Monica Mountains National Recreation Area. The conservancy would be required to use the remaining proceeds, when appropriated pursuant to the Budget Act, for minor projects related to the Willacre Estate.

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1617 (SB 1096) Keene State park system wetlands· marinas

(1) The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which shall be based on various coastal resources planning and management policies set forth in the act The act contains legislative findings and declarations regarding basic goals of the act.

(a) This bill would make a change in one of the goals regarding the protection, maintenance, and, where feasible, the enhancement and restoration of artificial, rather than manmade, resources in the coastal zone.

(b) The bill would also modify the provisions of that act dealing with approved or issued coastal development permits for residential units, which provide for housing opportunities for persons and families of low or moderate income

(2) (a) Senate Bill 1603, among other things, would require the terms of any grant awarded by the State Coastal Conservancy for the purpose of providing new or expanded facilities to serve the commercial fishing industry to be determined solely on the basis of protecting the long-term economic viability of the industry

This bill would repeal those provisions, if Senate Bill 1603 is chaptered

(b) The bill would revise the provisions governing the State Coastal Conservancy's responsibility in proposing projects and programs for grants available under designated provisions of the federal law

(3) Under existing law, the Budget Act of 1982 appropriates $3,200,000 from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways for a loan for the Spud Point Marina project, subject to provisos

This bill would add an additional proviso regarding berthing rates to that appropriation

(4) The Budget Act of 1982 appropriates $2,000,000 from the Parklands Fund of 1980 to the Department of Parks and Recreation for acquisition for the Big Sur Project, subject to the proviso that the acquisition shall be for specified parcels.

This bill would amend and supplement the Budget Act of 1982 to revise those parcel designations.

(5) The Budget Act of 1982 appropriates $3,000,000 from the State, Urban, and Coastal Park Fund to the Department of Parks and Recreation for acquisition and development for Spud Point.

This bill would delete that appropriation and instead appropriate $3,000,000 for Big Sur coast area, Sonoma County coast state parks, and Santa Monica Mountains development projects, as specified.

(6) The bill would authorize the Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, to exchange or lease specified parcels of land in the vicinity of Andrew Molera State Park

(7) The bill would require the State Coastal Conservancy to grant $1,600,000 to the County of Sonoma for the Spud Point Marina project, as specified

(8) The provisions summarized in (4), (5), (6), and (7), above, would become operative only if, on or before October 15, 1982, the State Park and Recreation Commission gives its favorable recommendation to the projects specified in (5), above

(9) The bill would also appropriate $30,000 from the Fish and Game Preservation Fund to the Department of Fish and Game, in augmentation of its support item in the Budget Act of 1982, for seasonal aides to check the ocean sport salmon catch.

(10) The bill would also require the State Coastal Conservancy, in cooperation with specified entities, to report to the Legislature on the adequacy of existing and planned onshore support facilities needed by the California commercial fishing industry, as specified

(11) The bill would take effect immediately as an urgency statute.

Ch. 1618 (SB 1603) Mello Coastal resources

(1) Under existing law, the State Coastal Conservancy is authorized to award grants to local public agencies for coastal restoration projects, for coastal resource enhancement projects, and for restoration of urban waterfront areas The conservancy is required to cooperate with local public agencies in ensuring the reservation of lands for park, recreation, fish and wildlife habitat, historical preservation, or scientific study purposes related to coastal resources The term "local public agency" is defined for these purposes as a city, county, or city and county

This bill would also include districts, associations of governments, and joint powers agencies within the definition of local public agency for the above purposes

The bill would also require the terms of any grant for the purpose of providing new or expanded facilities to serve the commercial fishing industry to be determined solely on the basis of protecting the long-term economic viability of the industry.

(2) Under existing law, the State Coastal Conservancy consists of 3 public officials and 2 members of the public appointed by the Governor

This bill would provide for 2 additional public members, one appointed by the Senate Rules Committee and one by the Speaker of the Assembly

(3) Under existing law, appropriations may be made from the Resources Account within the Energy and Resources Fund for specified programs and projects.

This bill would also include appropriations to the conservancy for grants to public and private agencies for the restoration of urban waterfronts, as described in a specified report. The bill would delete provisions specifying that the conservancy shall award grants for the restoration of urban coastal waterfront areas only after finding that the plan or project conforms to the policies and objectives of the California Coastal Act of 1976

(4) Under existing law, any penalties derived by the California Coastal Commission are required to be expended for carrying out the provisions of the California Coastal Act of 1976, when appropriated by the Legislature

This bill would require any funds derived from fines or penalties to be deposited in the Violation Remediation Account of the Coastal Conservancy Fund until appropriated

(5) Under existing law, the Department of General Services is generally charged with the responsibility for the management of state-owned lands.

This bill would authorize the Director of General Services, with the approval of the State Public Works Board and the Director of Parks and Recreation, to transfer the real property comprising the parking lot and the public pier at Pismo State Beach to the City of Pismo Beach for the purpose of expanding visitor-serving facilities

Ch. 1619 (SB 550) Robbins School districts· revenue limits. voluntary integration programs.

The Constitution, as amended by a legislative constitutional amendment adopted by the voters on November 6, 1979, prohibits state courts, in desegregation cases, from ordering school boards to mandatorily reassign and transport pupils on the basis of race, except under circumstances in which a federal court may do so

Existing law also prescribes a method of computing school district revenue limits and apportions funds to districts based generally on revenue limits less property tax revenues

received District revenue limits are adjusted for inflation and various other factors, including a revenue limit increase to pay costs mandated by the courts

This bill would, for any school district which received a revenue limit increase for court-mandated desegregation programs, continue the revenue limit increase for each fiscal year through and including 1988–89 fiscal year, if the district maintains a voluntary integration program This bill would also require the funds provided by the revenue limit increases to be used for voluntary integration efforts, as specified.

This bill would authorize school districts which maintain voluntary integration programs to present a claim for reimbursement to the Board of Control, as specified, and would authorize the board to include approved claims in a subsequent claims bill

This bill would provide that these provisions become operative July 1, 1983

Ch. 1620 (SB 1762) Boatwright. Unlawful detainer actions

Existing law provides for an unlawful detainer action, summary in its nature, whereby a landlord may recover from the tenant the immediate possession of real property held by the tenant, under specified circumstances. Existing law also provides that if the defendant does not appear and defend, the plaintiff may cause a default judgment to be entered and the plaintiff may thereafter apply to the court for the relief demanded in the complaint

This bill would specify that proof of the service of summons and complaint must be made before entry of the default and would also provide that after the entry of a default, upon request of the plaintiff, the court shall enter judgment for restitution of the premises and shall issue a writ of execution thereon

This bill would require any trial on an issue presented by the pleadings to be held not later than the 20th day following the date the request to set the time of the trial is made If the trial is not held within that time, and if the court finds that there is a reasonable probability that the plaintiff will prevail, the court would be required to determine the amount of damages to be suffered by the plaintiff by the extension and require the defendant to pay that amount into court as the rent would have otherwise become due or an escrow for as long as the defendant remains in possession pending termination of the action If the defendant fails to make the payment, trial of the action would be required to be held within 15 days of the date payment was due

Existing law generally provides that a motion for summary judgment may be made after 60 days have elapsed since the general appearance of the parties involved

This bill would provide that in unlawful detainer and related actions, a motion for summary judgment may be made at any time after the answer is filed upon 5 days notice.

Ch 1621 (SB 449) Foran. Taxation

(1) Existing Personal Income Tax Law generally requires the recapture as ordinary income of the depreciation deducted which is in excess of that which could have been deducted under the straight line method Moreover, such depreciation, as well as one-half of the amount by which the net long-term capital gain exceeds the net short-term capital loss for the taxable year, are items of tax preference

This bill would exempt residential rental property, as defined, from those recapture provisions, which would result in any gain treated as a capital gain. The bill would also remove as an item of tax preference the depreciation and net long-term capital gain on that residential rental property These provisions would apply to residential rental property the construction of which is commenced after December 31, 1982, and would be operative only in taxable years in which substantially similar provisions are operative in federal law Those provisions would cease to be operative on January 1, 1988, and on that date would be repealed

(2) Existing law prohibits a city from imposing certain taxes on any district agricultural associations representing more than one county and owning land in each of the counties it represents.

This bill would repeal that law.

Ch 1622 (SB 1856) Robbins Building standards

Under existing law, the State Building Standards Commission was required, prior to January 1, 1982, to incorporate into building standards adopted or approved by the commission, the text of the model code, applicable national specifications, or published

standards, in whole or in part, only by reference, with appropriate additions or deletions therefrom Existing law also requires, on and after that date, that the commission decide, and if it deems it appropriate, adopt or approve standards which incorporate, in whole or in part, the text of those publications directly in the text of the State Building Standards Code

This bill would delete the requirement that the commission, on and after January 1, 1983, decide whether or not to incorporate, in whole or in part, the text of those publications in the text of the State Building Standards Code and would require that building standards adopted or approved by the commission incorporate the text of these publications, in whole or in part, only by reference, with appropriate additions or deletions therefrom The bill would, however, allow the commission to adopt or approve standards which incorporate, in whole or in part, the text of those publications directly into the text of State Building Standards Code only if the commission and the governing body of the organization that publishes the model code first reach a written agreement concerning the terms and conditions of the publication, as prescribed

Ch 1623 (AB 952) Deddeh Environmental quality archaeological resources

(1) The California Environmental Quality Act generally requires that a lead agency, as defined, prepare or have prepared an environmental impact report with respect to a discretionary project which may have a significant effect on the environment

This bill would require a lead agency, as part of determining whether an environmental impact report or a negative declaration is required, to determine whether the project may have a significant effect on archaeological resources The bill would also provide that any environmental impact report prepared on the project consider unique archaeological resources, as defined, and not consider nonunique archaeological resources, as defined, and would require a negative declaration to be issued if it would otherwise be issued, but for the issue of nonunique archaeological resources. The bill would require the project applicant to guarantee to pay ½ of the estimated cost of mitigating the significant effects on unique resources, subject to specified limitations as to the amount to be paid

The bill would also require that any additional costs to any local agency resulting from complying with the bill's requirements with respect to a project of other than a public agency be borne by the project applicant

Those provisions would not apply to projects where there is an election, as specified, to comply with all other provisions of the California Environmental Quality Act

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

(3) This bill, in compliance with Section 2231 5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1986, the provisions contained in the bill for which state reimbursement is required

Ch 1624 (SB 267) Watson Imminent lawless action and terrorism

Existing law prohibits, as "criminal syndicalism", specified teaching or advocacy and related conduct concerning unlawful violent acts, and prohibits urging of force or violence under certain circumstances with intent to cause a riot

This bill would provide that it shall be unlawful for any group, as defined, to meet, advocate, and take substantial action in furtherance of, the commission of an unlawful act of violence likely to produce the imminent and unlawful infliction of serious bodily injury or death of another person This bill would also provide that whenever it appears that a group has taken substantial action in furtherance of the commission of an act of violence, as specified above, a civil injunction could be brought by an aggrieved individual to prevent, at any future meetings, the advocacy of an act of violence likely to produce the imminent and unlawful infliction of serious bodily injury and death A

groundless action brought in bad faith could result in the award of court costs and attorney's fees to the defendant

This bill would make it a misdemeanor to commit specified unauthorized acts of terrorizing on the private property of another

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1625 (AB 3044) Imbrecht Cooperatives

Existing provisions of the Corporations Code contain provisions which are particularly applicable to cooperative corporations Except where there is a conflict with these particular provisions, the provisions relating to nonprofit mutual benefit corporations apply to cooperative corporations

This bill would repeal existing provisions particularly applicable to cooperative corporations, and would enact the Consumer Cooperative Corporation Law, which would comprehensively regulate the organization and operation of consumer cooperatives and other cooperatives which elect to incorporate under it

Under the existing corporate securities law, any shares or memberships issued by a cooperative corporation are exempt from certain qualification requirements provided (1) the corporation limits its shareholders or members primarily to ultimate consumers only or producers only, and (2) the aggregate investment of any shareholder or member in shares or memberships sold does not exceed $100

This bill would revise this exemption to apply to shares or memberships issued by a cooperative corporation provided the corporation limits its shareholders or members to ultimate consumers or ultimate producers, or both, and the aggregate investment of any shareholder or member in shares or memberships sold does not exceed $300. The bill would also limit the application of this exemption with respect to nonvoting shares or memberships of such a corporation

This bill would become operative on January 1, 1984, except as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

This bill would incorporate additional amendments to Section 25100 of the Corporations Code proposed by AB 3034 contingent upon the prior enactment of that bill, as specified

Ch 1626 (SB 1659) Boatwright Municipal courts Contra Costa County

Existing law provides for the number, classification, and compensation of municipal court personnel in Contra Costa County

This bill would revise the number, classification, and compensation of municipal court personnel in Contra Costa County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch. 1627 (SB 505) O'Keefe Courts. Santa Clara County

Existing law specifies the ~~number,~~* classification ;* and compensation of municipal court employees in Santa Clara County

This bill would revise the ~~number,~~* classification ;* and compensation of municipal court employees in Santa Clara County

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch 1628 (AB 2842) Goggin. Courts San Bernardino, Merced, and Stanislaus Counties

Existing law specifies the number, compensation, and classification of officers and employees of the municipal court in the San Bernardino County Municipal Court District

This bill would revise the number, compensation, and classification of specified officers and employees of the municipal court in the San Bernardino County Municipal Court District

Existing law sets forth the number, compensation, and classification of officers and employees of the municipal court in Merced and Stanislaus Counties

This bill would revise the number and compensation of specified officers and employees of the municipal court in Merced County, and the number, compensation, and classification of specified officers and employees of the municipal court in Stanislaus County.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1629 (SB 1536) Marks Courts· San Francisco and Napa Counties.

Existing law specifies the number and compensation of superior and municipal court personnel in San Francisco, the compensation of the court commissioner in Monterey County, and specifies the classification and compensation of municipal court personnel in Napa County

This bill would revise the number and compensation of superior and municipal court personnel in San Francisco, would revise the compensation of the court commissioner in Monterey County, and would revise the classification and compensation of municipal court personnel in Napa County

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1630 (SB 1729) Stiern Courts. Tulare, Stanislaus, Kern, and Fresno Counties

Existing law specifies the number, compensation, and classification of municipal court personnel in Tulare, Stanislaus, Kern, and Fresno Counties

This bill would revise the number, compensation, and classification of municipal court personnel in Tulare, Kern, and Fresno Counties This bill would also revise the compensation of court reporters in Tulare, Stanislaus, Kern, and Fresno Counties, and revise provisions for retirement benefits for municipal court personnel in Tulare County

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making

claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1631 (SB 82) Johnson Courts

(1) Existing law specifies the number, classification, and compensation of the municipal court personnel of the Chico Judicial District of Butte County This bill would revise the number, classification, and compensation of the municipal court personnel of the Chico Judicial District of Butte County

(2) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1632 (AB 2960) Moorhead State publications

Existing law does not specifically limit the distribution of state publications

This bill would declare the intent of the Legislature to reduce the excessive flow and cost of unsolicited state agency reports It would require that state agency reports which are required to be submitted to the Legislature be submitted only to specified offices It would prohibit a state agency from distributing, with certain exceptions, a state publication, as defined, except in response to a specific request therefor, to subjects of a distribution list, or pursuant to specific provisions of law

This bill would require each state agency, for the 1983–84 fiscal year, to include specified information in its budget request on legislatively mandated state publications produced by the agency It would also provide that, when funding for any legislatively mandated publication is discontinued in the annual Budget Act, the statutory mandate for that publication shall be suspended

This bill would take effect immediately as an urgency statute

Ch 1633 (SB 1791) Doolittle Courts. Sacramento County

Existing law specifies the number, qualifications, compensation, and benefits of municipal and superior court personnel in Sacramento County

This bill would increase and revise the number, qualifications, compensation, and benefits of municipal and superior court personnel in Sacramento County It would also create the position of pretrial release program manager, as specified

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1634 (AB 126) Imbrecht State highways Route 126

Under existing law, the California Transportation Commission, within broad limitations, allocates available funds for the construction, improvement, or maintenance of the various highways under the jurisdiction of the Department of Transportation The department is required to improve and maintain state highways.

This bill would require the commission, if funds are available to carry out the 1980 state transportation improvement program as programmed, to program and allocate funds for the improvement of Route 126, as defined in the 1980 state transportation improvement program

Ch 1635 (SB 1453) Presley Tax preparers

Existing law, effective June 30, 1982, repealed the Tax Preparers Act which provided generally for the licensing and regulation of tax preparers, as defined

This bill would enact the Tax Preparers Act providing for the licensing and regulation of tax preparers The bill would authorize the creation of a State Preparer Advisory

Committee. The State Preparer Advisory Committee would advise the administrator on testing and educational requirements for registrants. Membership, terms, procedures and other matters relating to the committee would be prescribed.

The bill would create the Tax Preparers Fund in the State Treasury and the fund is continuously appropriated for the administration of the laws concerning tax preparers

The bill would appropriate $250,000 from the General Fund to the Tax Preparers Fund and provides that the money is to be repaid with interest, as specified, during the 1982–83 fiscal year from fees collected pursuant to the Tax Preparers Act

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1636 (AB 3202) D Stirling Courts Los Angeles County

Existing law specifies the number, compensation, and classification of municipal court personnel in Los Angeles County

This bill would revise the number, compensation, and classification of municipal court personnel in Los Angeles County

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

Ch 1637 (SB 2051) Marks State government documents plain language

Existing law does not require administrative agencies of state government to use plain, nontechnical language in their documents

This bill would require each administrative agency of state government to write each document it produces in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style

This bill will declare the intent of the Legislature with respect to the prospective application of this bill

Ch 1638 (SB 1477) Marks Fiscal affairs

(1) Existing law expresses the intent of the Legislature that the Department of Food and Agriculture, in cooperation with appropriate county officials and industry representatives, develop mutually satisfactory sources of nonstate funding to augment budget programs in the areas of pest control, county agricultural commissioners, and weights and measures

This bill would revise the legislative intent in this matter to relate only to county agricultural commissioners and weights and measures

(2) Existing law requires the Department of Finance to provide annually each local jurisdiction, including each school district, county superintendent of schools, and community college district, with specified information regarding expenditure limitations

This bill would require the department to furnish this information to the Department of Education and to the Chancellor's Office of the California Community Colleges and require these agencies to furnish this information to the local agencies for which they are responsible

(3) Under existing law, an air pollution control district board is authorized to adopt a schedule of fees for the issuance and renewal of permits to cover the cost of specified district activities with respect to permits, which cost may not exceed that cost in the prior fiscal year with adjustment according to change in the California Consumer Price Index.

This bill would, instead, authorize a district board to adopt a schedule of annual fees to cover the costs of certain programs and authorize the board to adopt a schedule of

fees to offset certain revenue losses for a limited period of time The bill would also require a specified procedure for the adoption of these fee schedules

This bill would also require the Legislative Analyst to prepare and submit a report to the Legislature by October 1, 1983, regarding the fees which local air pollution control district boards are authorized to adopt

(4) Existing law requires the Department of Finance to annually transmit to each city and each county an estimate of the percentage change in the population of the city or the county The change in population for a special district is based on the change for the city or county in which it is located, or on a weighted average of the cities or counties in which it is located, as specified A special district may request the Department of Finance to prepare a special population estimate for the district under certain circumstances

This bill would revise the procedure of determining the estimate of the percentage change in the population in a special district

(5) Existing law requires the Department of Finance to prepare estimates of the amount of reimbursement local government would be entitled to if a bill which mandates increased costs, as specified, is enacted

This bill would require the Director of Finance to include in the Governor's Budget an appropriation for a statute which has an otherwise minimal fiscal effect on local agencies or school districts if the director determines that the fiscal effect of that statute and other related statutes is, in the aggregate, significant

This bill would also require the Director of Finance to include funding in the Governor's Budget for statutes which increase the penalty for a crime or infraction if the director determines that the statutes would increase the total detention and probation costs to local agencies by more than 1% of the actual statewide detention and probation costs incurred in the preceding fiscal year, as specified Reimbursement would be limited to one-half of the increases over the 1% level

(6) Under existing law, the Board of Control reports to the Legislature on the number of state mandates it has found and the estimated statewide costs of those mandates A local government claims bill is then introduced in the Legislature to provide funds to pay the estimated costs of the mandates

If funding for a mandate found by the board is deleted by the Legislature from the claims bill, the Legislature is authorized to make specified findings

Under this bill, if the Legislature deletes the funding but fails to make any of the specified findings or if a local agency or school district believes the action is not consistent with Article XIII B of the California Constitution, a local agency or school district affected by the mandate would be authorized to seek declaratory relief to render the particular mandate void and to enjoin its enforcement

(7) This bill would require the Department of Social Services to review the requirements of the federal Social Services Block Grant Act and existing state law and provide a specified report to the Legislature by January 1, 1983

(8) Under existing law, each county is required to prepare and submit to the Director of Social Services by September 15, 1983, a county social services multiyear base plan and budget for the 1984–85 fiscal year with annual updates to the base plan to be submitted annually thereafter on or before September 15 In the interim, the previously required plans submitted for the 1981–82 fiscal year remain in effect with an annual update to those plans for the 1982–83 and 1983–84 fiscal years

This bill would delay the implementation of the multiyear base plan and budget until the 1985–86 fiscal year It would extend the existing interim procedures to the 1984–85 fiscal year

(9) This bill would request the Legislative Analyst to report to the Legislature on specific proposals regarding opportunities to reduce the costs of administering programs in which both the state and counties share responsibilities

(10) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason

(11) This bill would take effect immediately as an urgency statute

Ch 1639 (AB 330) Robinson Judges' Retirement System

The Judges' Retirement Law presently provides that any judge who dies after executing a disability application shall be deemed to have retired on the date of death if the application is subsequently approved

This bill would require [the consent of a judge to disability retirement to be made in a written application to the Commission on Judicial Qualifications and would require, in the event of such a death,]* the application to be received by the Commission on Judicial Qualifications ~~prior to death~~*

Under certain provisions of the Judges' Retirement Law, the retirement allowance is reduced by the amount of the salary or compensation a retired judge is entitled to as the incumbent of any public office

This bill would repeal those provisions

Ch 1640 (AB 3397) Harris Judges' Retirement System. retirement allowance

Under the Judges' Retirement Law, certain retirement allowances are reduced by the amount of the salary or compensation a retired judge is entitled to as the incumbent of any public office

This bill would restrict the offices subject to that provision from any public office to statewide, legislative, board of equalization, or federal office

However, if both this bill and AB 330 are chaptered, and this bill is chaptered last, this bill would further restrict the offices to which the reduction is applicable

Ch. 1641 (SB 1561) Maddy Irrigation district. indebtedness.

Under the Districts Securities Law, the State Treasurer has various powers, duties, and responsibilities in connection with the issuance of bonds by irrigation districts and, upon the request of the governing board, by any other district, the primary function of which is the irrigation, reclamation, or drainage of land, or the development of water for domestic use or the distribution thereof, or the generation of power or the distribution thereof

This bill would exempt any irrigation district that owns and operates facilities for the generation, transmission, distribution, and retail sale of electric power on the effective date of the bill from all provisions of the Districts Securities Law and from any other provisions requiring State Treasurer approvals in connection with any proceedings for the issuance of any bonds, warrants, notes, or other evidences of indebtedness to finance any works of the district for the generation, transmission, distribution, or sale of electric power. The bill would require any such district to give notice, as prescribed, to the California Debt Advisory Commission of the proposed sale of any bonds to provide permanent financing of any such works, and would specify related matters The bill would authorize any such district, for the purpose of financing specified costs incurred in connection with these works, except for preliminary or developmental work on the Tuolumne River or its tributaries above the New Don Pedro Reservoir, to borrow money by the issuance of notes or other evidence of indebtedness in accordance with prescribed procedures and subject to specified limitations, and would specify related matters.

Ch 1642 (AB 2837) Agnos Legislative candidates· libel proceedings

Existing law provides that, in any action for libel or slander, the court shall give the action precedence over all other civil actions, except those actions to which special precedence is given by law, in setting and hearing the case to the end that all such actions shall be quickly heard and determined It specifies that the court may reduce to 20 days the time for responding to the complaint, and requires the defendant to respond within 10 days in specified cases involving default

This bill would provide that, in any action by a candidate or former candidate for elective public office against a holder of elective public office or an opposing candidate, for libel or slander which is alleged to have occurred during the course of an election campaign, the court shall give the action precedence over all other civil actions except those actions to which special precedence is given by law, in setting and hearing the case to the end that all such actions shall be quickly heard and determined It would require

the court to order the defendant to respond within 20 days, and would require the defendant to respond within 10 days in specified cases involving default

Existing law requires the courts of appeal and the Supreme Court to give preference in hearing appeals in probate proceedings and contested election cases

This bill would include within this requirement actions for libel or slander by a person who holds elective public office or a candidate for elective public office alleged to have occurred during the course of an election campaign

This bill would become operative only if, and on the date that, ACA 74 is adopted by the voters

Ch 1643 (SB 1844) Foran Air pollution marine vessels

Existing law requires the State Air Resources Board to prepare and submit to the Legislature on or before July 1, 1982, its recommendations with regard to air pollution regulation of marine vessels, and prohibits the state board from implementing any emission requirements for marine vessels prior to July 1, 1982, except for enforcement of any rule or regulation governing marine vessels adopted by an air pollution control district prior to July 1, 1979, or amended thereafter The report is required to be prepared in consultation with the maritime industry, air pollution control districts, air quality management districts, and members of the public

This bill would extend the date for the submission of the state board's report on marine vessels to March 31, 1983, and would extend the prohibition on the state board's adoption of emission requirements for marine vessels to March 31, 1983

The bill would require the state board to prepare the report in consultation with a maritime industry task force with representation from specified groups, the districts, and members of the public The report would be required to discuss certain issues and impacts resulting from recommended control measures

The bill would take effect immediately as an urgency statute.

Ch 1644 (AB 2593) Ingalls Judges disqualification

Existing law prohibits a judge against whom a statement of objection or disqualification has been filed, to hear or pass upon any question of fact or law concerning his or her disqualification Such questions are required to be heard and determined by a judge agreed upon by the parties who have appeared in the action or in the event of failure to agree, by a judge assigned by the Chairman of the Judicial Council

This bill would require the statement of objection or disqualification to be verified It would also provide that if the judge against whom a statement of objection or disqualification has been filed does not file a written consent that the action be tried before another judge, the judge may proceed with the case until the question of disqualification is determined, unless the statement was filed by a district attorney on the first day of a criminal trial.

Existing law provides for the disqualification of a judge, commissioner, or referee for prejudice upon a motion supported by an affidavit or declaration under penalty of perjury Existing law provides the motion may not be entertained if it is made after the drawing of the first name of a juror

This bill would also provide that in a one-judge court, the motion shall be made before the expiration of 30 days from the date of the first appearance of the party for whom the motion is made

DIGESTS OF STATUTES ENACTED IN 1982

1981–82 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

Ch 1 (SB 1) Alquist Public social services

Existing law provides that in determining eligibility for the AFDC program, the amount of earned income which shall be considered available shall be reduced by work-related expenses not to exceed $50 per month, plus reasonable and necessary costs of child care, as defined This limitation has been determined by the California Supreme Court to be out of conformity with prior federal requirements

This bill deletes the deduction of an amount not to exceed $50 per month, and alters the definition by providing that the deduction for child care expenses shall not exceed the maximum allowed under federal law

Existing federal and state law provides for the Aid to Families With Dependant Children (AFDC) program Existing regulations were filed in order to meet specified changes in federal law

This bill would provide that these regulations shall be adopted and effective immediately as emergency regulations The bill provides that these regulations shall not remain in effect for longer than 180 days unless specified requirements are met The bill provides that presently scheduled public hearings shall be deemed public notice for purposes of giving public notice as required by law

Ch 2 (AB 6) Robinson Income tax withholding

Under existing law, every employer required to withhold any tax from wages for state income tax purposes is required for each calendar quarter to file a withholding return in a manner prescribed by the Employment Development Department and pay over the taxes so required to be withheld

This bill would require every employer to pay over the taxes required to be withheld for each calendar quarter, whether or not wages are paid in the quarter, according to various specified alternative time schedules which are applicable depending upon whether income tax withheld for a specific period exceeds specified amounts

Existing unemployment compensation disability law requires an employer to withhold workers' contributions from their wages and to forward such contributions to the Employment Development Department quarterly, except that if the total amount of the workers' contributions, or the amount of the personal income taxes, withheld by the employer, exceeds a specified threshold amount they are forwarded to the department on a monthly basis

This bill would provide that workers' contributions are due and payable by an employer at the same time as amounts required to be withheld for personal income taxes are paid to the department, regardless of the amount of the employer's accumulated unpaid liability for workers' contributions

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

This bill would provide that no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate or Section 2231 or 2234, but would recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs

This bill would provide that its provisions would become operative May 1, 1982

Ch 3 (AB 2) Lockyer Aid to families with dependent children

Existing law provides for exemptions of certain property used in determining eligibility of an applicant for, or a recipient of specified public social services programs

Existing law provides that a family who meets all other eligibility qualifications for the AFDC program is not ineligible due to the fact that the only child in the family is an unborn child

The bill would provide that, with respect to an otherwise eligible family where the only child is an unborn child, the family shall only be eligible for a grant for one person plus an allowance of $70 per month for special needs related to pregnancy, commencing upon the date pregnancy is verified

The bill would also provide that a family which includes children who have already

been born, as well as an unborn child, shall be eligible for the $70 per month allowance for special needs related to pregnancy, to the extent permitted by federal law, as well as any other amount of aid for which the family is eligible

Federal law concerning the AFDC program provides that income from a stepparent shall be taken into consideration when determining a family's eligibility for the AFDC program, and that income which a family is eligible to receive under the earned income tax credit shall also be considered in making eligibility determinations

This bill would provide that income shall be considered available for purposes of eligibility and grant computation to the extent required by federal law

Under existing law, one of the grounds upon which needy families may be eligible to receive assistance under the AFDC program is parental unemployment

This bill would provide that a family shall not be eligible if the principal wage earner, as defined, refuses to accept employment or to participate in an employment training program

Existing law does not prohibit families from receiving aid under the AFDC program if caretaker relatives do not work because of a labor strike

The bill would provide that a family shall not be eligible for aid under the AFDC program when a caretaker relative is participating in a strike, as defined, on the last day of the month, and the needs of any other person shall not be taken into consideration when determining a family's aid grant amount if the person is participating in a strike, as defined, on the last day of a month

Existing law provides that needy dependent children shall be entitled to aid under the AFDC program if the child is regularly attending high school at age 18, until the child completes high school or the training program, or until the child becomes 21 years of age, whichever occurs first

This bill would limit those in high school or equivalent training programs from receiving aid past the age of 19, and only if on their 18th birthday they could be expected to complete high school or their training program by the age of 19

Existing law provides that real property of a specified value shall not be considered for purposes of determining eligibility under the AFDC program

This bill would provide that a home used for dwelling by a needy family shall not be considered for purposes of determining eligibility, regardless of the value of the home

Existing law provides that specified items of personal property with a value not in excess of $1,000, as well as other items regardless of their value, shall not be considered in determining the resources of a family for purposes of eligibility under the AFDC program

This bill would specify that these provisions shall be limited where its application would be in violation of federal requirements for the AFDC program

Existing law provides that lump-sum payments, with certain exceptions, are to be treated as income in the month received for purposes of income determinations for the AFDC program

This bill would provide that, for purposes of the AFDC program, lump-sum payments, as defined by federal law, are not only to be treated as income in the month received, but also for future months to the extent that the income exceeds the state standard of need, as specified

Existing law provides that aliens shall be eligible for aid by certifying that they are legally entitled to be in the country permanently, indefinitely, or are otherwise entitled to reside here due to marriage or other circumstances.

This bill would prevent eligibility from being shown unless a person is legally entitled to a permanent residence in this country or is otherwise entitled to eligibility under federal law

Existing law does not mandate that all overpayments be collected and all underpayments be corrected for public social services programs.

This bill would require collection of all overpayments and correction of underpayments

The bill provides that in collecting overpayments, aid grant reductions shall be limited to a specified percentage of a recipient's aid grant, except that, if permitted by federal law, collection of nonwillful overpayments through aid grant reduction shall be subject to more stringent limitations

Existing law imposes a duty upon the county district attorney to attempt to collect

child support payments from noncustodial parents of AFDC recipients.

This bill would impose a duty upon each county to seek collection of spousal support from noncustodial parents of AFDC recipients.

The bill would further provide that, where child or spousal support is collected from the noncustodial parent of a non-AFDC recipient, a fee of 10% of the support award which is collected shall be obtained by the county The fee shall be in addition to, and shall not be derived from, the support award

The bill would also require, as specified, collection of unemployment insurance benefits from noncustodial parents of AFDC recipients, or in cases of spousal support.

The bill further provides that, where required by federal law, as a condition for receipt of federal funds, the income and resources of an alien's sponsor shall be attributed to the alien for purposes of determining AFDC eligibility, that the alien shall supply necessary information pertaining to the sponsor's income and resources, and that the alien and the sponsor shall be liable for overpayments to the alien due to the inability of the sponsor to provide correct information

The bill would further provide for a program under which the Employment Development Department would contract with San Diego County, at the option of the county, for provision of experimental work-experience assignments for unemployed AFDC recipients The bill provides criteria which must be filled by work assignments provided under the program, and provides sanctions for recipients who refuse to participate in the program without good cause The provisions of the bill relating to this program shall be effective until July 1, 1984.

Under existing law, aliens are, under certain circumstances, eligible for benefits under the Medi-Cal program, which provides basic health care to low-income recipients.

This bill would provide that aliens, otherwise eligible for the Medi-Cal program must meet specified certification requirements.

Federal law provides that commencing October 1, 1981, states shall be eligible for funds under the Low Income Home Energy Assistance Block Grant program

This bill would provide that the state shall assume administration of funds received for that program

The bill would provide for a formula for allocation of funds, by the State Office of Economic Opportunity, received under this block grant program, including a provision for the use of 10% of these funds for county social services

Existing state law provides for various mandated and optional social services programs to be administered by counties from federal funds provided for pursuant to Title XX of the federal Social Security Act, as well as state and county funds

The bill provides that counties shall receive from funds provided for county social services 2 allocations, with the first allocation to be used to fund the In-Home Supportive Services program and the second allocation to be used first for providing specified services, with the remainder of the funds from the second allocation to be used for social services which are consistent with specified goals

The bill provides that each county board of supervisors shall comply with specified hearing and notice requirements prior to reducing county social services

The bill would appropriate from funds appropriated and transfer for the Aid to Families with Dependent Children program the following

(a) The sum of $3,000,000 for In-Home Supportive Services program

(b) The sum of $1,000,000 for specified services for children

(c) The sum of $1,000,000 for employment services for Aid to Families with Dependent Children program recipients

The bill would further provide that emergency regulations adopted by specified state agencies, within 120 days of the enactment of the bill, for purposes of either this act or for Chapter 1 of the Statutes of the 1981–82 First Extraordinary Session, shall not be subject to the review and approval of the Office of Administrative Law

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for specified reasons

The bill would take effect immediately as an urgency statute.

Ch 4 (AB 7) Robinson Fiscal affairs

There are various unencumbered balances of appropriations previously made by the Legislature.

This bill would revert all or part, as prescribed, of the unencumbered balances of specified appropriations to the unappropriated surplus of the fund from which the appropriation was made. Funds reverted to other than the General Fund would be transferred to the unappropriated surplus of the General Fund. All or part, as prescribed, of the unencumbered balances of other specified funds would be transferred to the unappropriated surplus of the General Fund.

Ch. 5 (AB 8) Robinson. Taxation interest. sales tax. prepayments.

Under various existing state tax programs, interest is charged on deficiencies or other delinquent payments of tax at a prescribed rate per year from the date prescribed for payment until paid Under those laws, interest is also established at a prescribed rate for sums the state owes taxpayers for certain refunds to be paid by the state for overpayments of taxes.

This bill would revise, as of the effective date of this bill, all of those interest rates from the general rate of 6% or 12% per year, as applicable, to an adjusted rate to be determined annually, as specified, on the basis of the adjusted prime rate charged by banks during the month of September each year However, the adjusted rate until December 31, 1982, would be 18% per annum

Under the California Sales and Use Tax Law, returns generally must be filed and the tax paid quarterly, on or before the last day of the month following the quarterly period However, if the State Board of Equalization determines that the taxpayer's taxable transactions average $17,000 or more per month, monthly prepayments of tax must be made in a prescribed manner

This bill would make changes in those laws concerning the prepayment of the tax with respect to taxpayers whose taxable transactions average $4,000,000 or more per month, as determined by the State Board of Equalization

The bill would further provide that its provisions shall only become operative if SB 982 is chaptered during the 1981–82 Regular Session of the Legislature

DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1982

1981–82 REGULAR SESSION

RESOLUTION CHAPTERS

Res Ch 1 (AJR 66) Thurman Mediterranean fruit fly quarantine Japan

This measure would memorialize the United States Special Trade Representative and the Secretary of Agriculture to pursue Japanese recognition of the existing Mediterranean fruit fly quarantine boundaries established by the United States and California and to trade with California agricultural producers based on those established quarantine lines consistent with Japanese trade policy with other states

Res Ch 2 (ACR 34) Bates Unlicensed mental health workers training curriculum

This measure would request the State Department of Mental Health to formulate a curriculum for the training of unlicensed mental health workers, specify various subject areas of the training curriculum, and require the submission of the training curriculum together with recommendations for its implementation to the Legislature

The measure would also request the department to apply to the National Institute of Mental Health for funds to assist in curriculum development and implementation of entry-level training activities

Res Ch 3 (AJR 52) Naylor American prisoners of war in Southeast Asia

This measure would memorialize the President and Congress to do everything necessary to secure the return of American prisoners of war in Southeast Asia

Res Ch 4 (ACR 73) Felando. Children's Dental Health Month

This measure would declare that the month of February 1982 be recognized as "Children's Dental Health Month."

Res. Ch 5 (ACA 4) Campbell Tax limitation

Existing constitutional law, as revised by the addition of Article XIII A to the California Constitution, limits ad valorem taxes on real property to 1% of the full cash value of such property. "Full cash value" is defined to be the county assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment. For purposes of this constitutional provision, "newly constructed" is defined as not including real property which is reconstructed after a disaster, as declared by the Governor, where the fair market value, as reconstructed, is comparable to the fair market value prior to the disaster.

This measure would provide that for purposes of this constitutional provision, "change in ownership" shall not include the acquisition of real property as a replacement for comparable property if the person acquiring the real property has been displaced from the property replaced by eminent domain proceedings, by acquisition by a public entity, or by governmental action which has resulted in a judgment of inverse condemnation.

The provisions of this measure would apply to any property acquired after March 1, 1975, but would affect assessments to that property occurring after this measure takes effect.

Res Ch 6 (ACA 14) McAlister Criminal prosecutions

Existing provisions of the California Constitution provide with respect to criminal prosecutions that a person shall be released upon bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required and a person may be released on his or her own recognizance in the court's discretion.

This measure would also provide exceptions to release on bail for felony offenses involving acts of violence on another person when the facts are evident or the presumption great and the court finds on clear and convincing evidence that there is a substantial likelihood that the person's release would result in great bodily harm to others and for felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released. The measure would further provide that, in fixing the amount of bail, the court shall take into consideration factors including the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of

his or her appearance at the trial or hearing.

Res. Ch 7 (ACR 83) W Brown San Francisco 49ers
This measure would commend the San Francisco 49ers for winning Super Bowl XVI

Res. Ch 8 (SCR 55) Ellis Government of Italy rescue of General Dozier
This measure commends the government of Italy for its determined efforts in the rescue of U.S. Brigadier General James L. Dozier

Res Ch. 9 (AJR 12) Thurman San Joaquin Valley drainage.
This measure would memorialize the President and the Congress of the United States and various federal agencies to join in the construction of an agricultural drainage facility to serve San Luis, Delta-Mendota, and other water users

Res. Ch. 10 (SCR 53) Foran San Francisco 49ers.
This measure would commend the San Francisco 49ers for winning Super Bowl XVI

Res Ch 11 (AJR 41) Duffy State sales tax deductions
This measure memorializes Congress to require the Internal Revenue Service for purposes of federal income tax deductions to revise the optional sales tax tables for California on an annual basis

Res. Ch 12 (AJR 43) Duffy. Hazardous waste treatment and disposal sites
This measure would memorialize the Congress of the United States to encourage the development of hazardous waste treatment and disposal sites within each state in the union

Res Ch. 13 (SJR 24) Johnson. Auburn Dam construction
This measure would memorialize the President and Congress to expedite funding for the Auburn Dam and conclude its construction as soon as possible, provided that the new design is shown to be safe and that the dam's power and water users pay their fair share of the cost of the power and water It would also encourage Congress to provide adequate recreation and fishery flows for the Lower American River in legislation reauthorizing the Auburn Dam

Res Ch 14 (ACR 22) Filante Women's History Week
This measure would urge celebration of International Women's Day on March 8, 1982, and designate March 7–13, 1982, as Women's History Week

Res. Ch 15 (SJR 23) Greene. Vietnam veterans post-traumatic stress disorder
This measure would memorialize the President and Congress to direct the Veterans Administration to investigate and provide counseling and therapy for post-traumatic stress disorders of Vietnam veterans

Res Ch 16 (AJR 83) Floyd Veterans' Affairs outpatient clinic at Sacramento
This measure would memorialize the President and Congress to require the Administrator of Veterans' Affairs to review the health care needs of northern California veterans and to authorize at least 1 additional physician and at least 2 additional medical support personnel to service veterans using the Veterans' Administration outpatient clinic at Sacramento

Res Ch. 17 (AJR 84) Floyd Veterans outpatient clinic
This measure would memorialize the President, the Congress, and the Administrator of the United States Veterans' Administration to establish full-time Veterans' Administration outpatient clinics in the Cities of Redding and Bakersfield to provide medical services to veterans residing in those areas

Res Ch 18 (ACR 76) McAlister California Law Revision Commission
Existing law requires the California Law Revision Commission to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, including a list of studies in progress and a list of topics intended for future consideration, and, after the filing of the commission's first report, its studies are confined to topics set

forth in the calendar contained in its last preceding report which are thereafter approved for its study, or referred to it for study, by concurrent resolution of the Legislature

This resolution would authorize the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study

Res Ch. 19 (AJR 85) Floyd Polish People and Solidarity.

This measure memorializes the President of the United States to immediate action to pressure the Polish Government to discontinue the imposition of martial law, release all political prisoners detained because of their support of the free labor movement (Solidarity), restore free speech, open all lines of communication with the outside world, and permit Solidarity to seek peaceful gains at the bargaining table

Res. Ch. 20 (SJR 17) Nielsen. Federal beef grading standards

This measure would request the President and Congress to modify the federal beef grading standards contained in the Agricultural Marketing Act of 1946, as specified

Res. Ch 21 (SCR 45) Holmdahl. Joint Committee on the State's Economy. continuation

This measure would continue the existence of the Joint Committee on the State's Economy and its advisory committees through December 1, 1982

Res Ch. 22 (SCR 58) Alquist Joint Rules Hearing of fiscal bills

Under existing rules there is no limitation on the hearing of bills rereferred to the fiscal committees other than limitations on when the fiscal committees may meet

This measure would provide that no bill rereferred to a fiscal committee may be set for hearing if the bill contains an appropriation and that appropriation would not be offset by additional revenue, generated by the bill, in an amount equal to or greater than the amount of the appropriation, or if the bill would result in costs or a revenue loss to the state or local governments and contains no appropriation or provision for a new source of revenue to pay for those costs or to replace that revenue loss, unless the bill falls within one of the specified exceptions to the rule

Res Ch. 23 (ACR 81) Hart Student charges.

This measure would direct the California Postsecondary Education Commission to conduct a study of the impact of student charges upon access to public postsecondary education and present its recommendations to the Governor and the Legislature by May 1, 1982

Res Ch 24 (ACR 77) Papan Joint Committee on Public Pension Fund Investments

This measure would create the Joint Committee on Public Pension Fund Investments and would provide for the membership, a consultant, and an advisory committee, and would specify the powers and duties of the committee.

This measure would provide for the termination of the committee on November 30, 1982

Res Ch 25 (ACR 92) W Brown Wiley W. Manuel Commemorative Hearing Room

This measure would declare that the Administrative Hearing Room of the California State Building in San Francisco shall be known and referred to as the Wiley W Manuel Commemorative Hearing Room, in memory of the late California Supreme Court Associate Justice Wiley W. Manuel.

Res Ch. 26 (ACR 62) Ingalls Highways: Carleton E Forbes Freeway

This measure would designate the portion of Interstate Route 5 between the Cities of Sacramento and Stockton as the Carleton E Forbes Freeway

The measure would direct the Department of Transportation to determine the cost of appropriate plaques and markers showing this official designation and, upon receiving donations from private sources covering that cost, erect those plaques and markers

Res Ch 27 (ACR 63) Moore Prison-based educational programs
This measure would request the Director of the Department of Corrections, the Chancellor of the California State University and Colleges, the Chancellor of the California Community Colleges, and the Superintendent of Public Instruction to include teachers and instructors who provide prison-based educational services for the Department of Corrections in their appointments to an advisory committee on prison-based education pursuant to Section 32500 of the Education Code

Res. Ch 28 (ACR 75) Katz California Small Business Week
This measure would request the Governor to proclaim the week of May 9, 1982, as California Small Business Week, in conjunction with the presidential proclamation thereof

Res Ch 29 (ACR 118) W Brown Cling Peach Week
This measure would designate the week of April 5–9, 1982, as "Cling Peach Week"

Res Ch 30 (ACR 19) Herger. Sutter bypass pumping facilities
This measure would request the Department of Water Resources to keep the old existing pumping plants along the east levee of the Sutter bypass in place, for at least 3 years, at state expense, and to operate the old pumps until the 3 new pumping plants are operational

Res Ch 31 (ACR 69) Bergeson Public Employees' Retirement System. benefits
This measure would request the Board of Administration of the Public Employees' Retirement System to review the status of the 1959 Survivor Benefit Program and report thereon, as specified, to the Legislature by March 1, 1982

Res Ch 32 (ACR 93) Baker Great California Resource Rally
This measure would declare the support of the Legislature for the Great California Resource Rally to be held during the week of April 19–25, 1982, and sponsored by the State Solid Waste Management Board

Res. Ch 33 (SJR 40) Nielsen National Weather Services Fire Weather Program
This bill would memorialize the President and Congress of the United States to fully fund the National Weather Service Fire Weather Program at existing budgetary levels

Res Ch 34 (ACR 121) Johnston Exceptional Children's Week
This measure would designate the week of April 26 to May 2, 1982, as Exceptional Children's Week in California

Res. Ch 35 (AJR 81) La Follette Federal detention facilities
Requests federal review relative to the transfer to, or acquisition by, the several counties of the State of California of all federal facilities that might appropriately be used as local detention facilities

Res Ch 36 (SCR 38) Presley Safety in schools
This measure would request that the State Department of Education provide educational and informational material to local school authorities in order to help them (1) select the safest materials for use in construction and maintenance projects, (2) select the safest supplies for everyday use, (3) contract so that work performed under contract will be performed in a manner that best protects the safety of children and school personnel

Res Ch 37 (SCR 39) Presley Toxic substances
This measure would request that the State Department of Education distribute information to all school districts in California regarding the safe handling, storage, containerization, clean-up, and disposal of any toxic substances used in or around any school building

Res Ch 38 (SCA 21) Keene Public pension and retirement systems funds
The California Constitution presently prohibits the Legislature from giving or lending the credit of the state or any political subdivision thereof, but permits the Legislature to authorize public pension and retirement funds to invest up to 25% of their assets in common stock or shares, and 5% of their assets in preferred stock or shares, of corpora-

tions which meet prescribed standards

This measure would permit the Legislature to authorize public pension and retirement systems to instead invest up to 60% of their assets in common stock or shares and, within the 60% limitation, to also invest up to 5% of their assets in the common stock or shares of corporations which do not meet certain of the present standards, and would also permit the Legislature, within both the 5% limitation and the 60% limitation, to authorize 5% of the funds to be invested in corporations and limited partnerships, the majority of whose assets are in nonpublicly traded equity instruments The measure would also provide that the assets of public pension or retirement funds are trust funds and would prescribe fiduciary standards in respect to their investment

Res Ch 39 (ACR 124) Thurman John G Veneman

This measure would memorialize John G Veneman, former State Assemblyman, and express deepest sympathy at his passing

Res Ch. 40 (ACR 128) Felando Older Americans Month

This measure would designate May 1982 as Older Americans Month in honor of older Americans

Res Ch 41 (SJR 51) Roberti. Refugee Resettlement Program

This measure would memorialize the President and the Congress of the United States to appropriate sufficient funds to maintain the operation of the Refugee Resettlement Program in California and in other states for the federal fiscal year 1982

Res Ch. 42 (SJR 39) Beverly Coast Guard districts

This measure would oppose the combining of the 11th and 12th United States Coast Guard Districts, and would oppose cuts in 11th District Coast Guard service which would eliminate the air-sea rescue base at Los Angeles International Airport

Res Ch 43 (AJR 70) Ingalls Emergency vehicles

This measure would memorialize the President and Congress to enact appropriate legislation to exempt authorized emergency vehicles from size, weight, and load requirements while being used in responding to and returning from emergency fire calls on highways in the National System of Interstate and Defense Highways

Res Ch 44 (AJR 63) McAlister Marital property

This resolution requests the President and Congress of the United States to enact legislation recognizing and not preempting the right of the states to treat retirement and other like benefits provided by federal law the same as any other marital property in accordance with the marital property laws of the states

Res. Ch 45 (ACR 94) McAlister General Motors Corporation.

This measure requests the General Motors Corporation to reconsider the closing of their plants in Fremont and South Gate California.

Res Ch. 46 (SJR 35) Keene California salmon fishery. seasons and quotas.

This measure would memorialize the President and Congress, the Secretary of Commerce, and the Pacific Fishery Management Council to take specified actions relating to the commercial salmon fishery off the Pacific coast

Res Ch 47 (SCR 50) Robbins Bridge construction Tujunga Wash.

This measure would urge the City of Los Angeles to proceed immediately with the construction of a new bridge over the Tujunga Wash at Roscoe Boulevard

Res. Ch. 48 (SCR 66) Foran. San Diego-Los Angeles rail passenger service

This measure would commend the Japan Railway Technical Service and the Japanese National Railway for participation in high speed rail passenger studies in this state and would express the Legislature's support for the private development of a high speed rail passenger line between San Diego and Los Angeles.

Res Ch 49 (ACA 53) Frizzelle Property taxation

Existing constitutional law, as revised by the addition of Article XIII A to the California Constitution, limits ad valorem taxes on real property to 1% of the full cash value of that property "Full cash value" is defined to be the county assessor's valuation of real property as shown on the 1975–76 tax bill under "full cash value" or, thereafter, the appraised value of real property when purchased, newly constructed, or a change in ownership has occurred after the 1975 assessment For purposes of this constitutional provision, "newly constructed" is defined as not including real property which is reconstructed after a disaster, as declared by the Governor, where the fair market value, as reconstructed, is comparable to the fair market value prior to the disaster Existing constitutional law also authorizes the Legislature to provide that the term "newly constructed" shall not include the construction or addition of any active solar energy system

This measure would provide that for purposes of this constitutional provision, the Legislature may provide that the term "newly constructed" does not include the construction or addition of any fire sprinkler system or fire alarm system, as defined by the Legislature, provided, that the construction or addition is not required by state law or local ordinance

Res Ch 50 (ACR 106) Ingalls Joint Legislative Audit Committee

This measure would allocate $7,201,000 from the Contingent Funds of the Assembly and Senate for expenses of the Joint Legislative Audit Committee

Res Ch 51 (AJR 50) Cramer Firescope project funding

This measure would memorialize the President and Congress to provide full funding for completion of development and implementation of the project for Firefighting Resources of Southern California Organized for Potential Emergencies, known as "Firescope"

Res Ch 52 (AJR 57) Roos Municipal revenue bonds

This measure memorializes Congress to enact legislation which will authorize commercial banks to underwrite and deal in municipal revenue bonds

Res Ch 53 (AJR 100) Katz Three Mile Island cleanup costs

This measure would memorialize the President and Congress to oppose legislation, S 1606 and H R 5963, which would require all licensed nuclear electric utility systems in the country to share in the cleanup costs of the nuclear accident which occurred at Three Mile Island in Pennsylvania on March 28, 1979

Res Ch. 54 (SJR 30) Craven Veterans' farm and home loan bonds

This measure would memorialize the President and Congress to amend the Mortgage Subsidy Bond Tax Act of 1980 to permit interim financing of any duration obtained by a Cal-Vet purchaser to qualify under that act for refinancing with Cal-Vet bond funds

Res. Ch. 55 (SJR 34) Craven Bullets

This measure would memorialize Congress to prohibit the manufacture, sale, importation and possession of specified bullets

Res. Ch 56 (AJR 64) Johnston Water hyacinth control

This measure would request the United States Army Corps of Engineers to cooperate with state and local agencies in undertaking an aggressive program for the effective control of water hyacinth in the Sacramento-San Joaquin Delta and the Suisun Marsh

Res Ch 57 (SCR 68) Stiern Joint Legislative Budget Committee

This measure would allocate $4,300,000, or as much of that amount as may be necessary, from the Contingent Funds of the Assembly and Senate for payment of the expenses incurred by the Joint Legislative Budget Committee

Res Ch 58 (SCR 78) Foran Francis A Sooy, M D

This measure would honor and commend Francis A Sooy, M D , Chancellor of the University of California, San Francisco, upon the occasion of his retirement from that position

Res Ch 59 (SCR 81) Roberti Joint Rules. Conference Committee on 1982–83 Budget Bill

Under existing Joint Rule 29 5, a committee on conference of the Budget Bill may only consider differences between the Assembly version of the Budget Bill as passed by the Assembly and the Senate version of the Budget Bill as passed by the Senate and may not approve any item of expenditure nor control which exceeds that contained in one of the two versions before the conference committee

This measure would provide that a committee on conference of the Budget Bill during the 1982 portion of the 1981–82 Regular Session shall only consider differences between the Assembly version of the Budget Bill as amended in Assembly June 7, 1982, and the Senate version as passed by the Senate and shall not approve expenditure or control items exceeding either version

Res Ch 60 (ACA 36) Kapiloff Funds political subdivisions transfers

The California Constitution prohibits the Legislature, with certain exceptions, from making or authorizing the making of any gift of public funds One of the exceptions to this prohibition is that the treasurer of any city, county, or city and county is required, upon resolution adopted by the governing body of the city, county, or city and county, directing the treasurer to do so, to make such temporary transfers from the funds in custody as may be necessary to meet the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and paid out solely through the treasurer's office. These temporary transfers of funds to any political subdivision are, among other things, limited to 85 percent of the taxes accruing to the political subdivision and are required to be replaced from the taxes accruing to that political subdivision before any other obligation of the political subdivision is met from those taxes

This measure would, instead, limit those transfers to not exceed 85% of the anticipated revenue and require that they be replaced from the revenues first accruing to that political subdivision before any other obligation of that political subdivision is met from those revenues.

Res. Ch 61 (SJR 36) Presley Air pollution Clean Air Act

This measure would memorialize the Congress of the United States to reauthorize the Clean Air Act and make only changes which would clarify the intent and simplify the regulatory requirements of the act

Res Ch. 62 (SCR 83) Dills Air carrier fares state officers and employees

This measure would request the Director of the Department of General Services to negotiate and to contract with domestic air carrier companies operating within California and serving the major metropolitan areas of the state for a reduction in air travel fares for officers and employees of the state.

Res Ch. 63 (ACR 133) Rosenthal. Raoul Wallenberg

This measure would express the admiration of the Members for the deeds of Raoul Wallenberg

Res. Ch 64 (ACR 138) Katz Los Angeles Lakers

This measure would commend the Los Angeles Lakers for winning the World Championship of professional basketball

Res. Ch 65 (AJR 55) Rogers Enterprise zones

This measure would memorialize the President and the Congress to consider conditions of economic distress which exist in the western region of the United States when determining the criteria which will be used in designating an area a federal enterprise zone

Res Ch. 66 (SCA 40) Robbins. Schools textbooks nonpublic schools

The California Constitution provides for a system of public schools and prohibits, among other things, the appropriation of public money for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools

Existing law authorizes the Superintendent of Public Instruction to lend, without charge, textbooks used in the public schools to pupils attending nonprofit, nonpublic

schools, and provides public funds for that purpose

The California Supreme Court has ruled in California Teachers Association v Riles (29 Cal 3d 794) that the textbook loan program for pupils in nonpublic schools is unconstitutional under the California Constitution

This measure would authorize the Legislature to provide that textbooks which are available to pupils attending the public schools may be loaned on a library-type basis to pupils entitled to attend the public schools but who attend schools other than the public schools, except that textbooks may not be loaned to those pupils who attend schools which exclude pupils from enrollment because of their race or color

This measure would specify that the authorization to establish a textbook loan program shall extend only to the provision of textbooks and shall not be construed as authorizing the provision of any instructional materials other than textbooks

This measure would specify that in no event shall an appropriation for the textbook loan program be made from funds budgeted for the support of the public schools

This measure would specifically provide that the provision of textbooks to pupils attending schools other than the public schools shall not be construed as an appropriation for the support of any school

Res Ch 67 (ACA 36) L Stirling Courts unification

The Constitution presently provides for superior courts, municipal courts, and justice courts

This measure would authorize the Legislature to authorize individual counties to unify their municipal and justice courts with the superior court, but only upon a majority vote of the electors of the county voting on the issue at an election called for that purpose by the board of supervisors Upon such voter approval, the measure would provide for the elevation of municipal and, unless the Legislature provides otherwise, justice court judges to the office of superior court judge, authorize the Legislature to provide for the powers and duties of the former municipal and justice court judges during the balance of their terms and until their election to the superior court, require the Legislature to prescribe the number and compensation of judges and court enforcement officers, and provide for the clerk and other officers and employees of the unified superior court, and establish the original and appellate jurisdiction of such a superior court

Res Ch 68 (ACR 140) Floyd Cal-Vet Loan Recognition Day

This measure would proclaim July 1, 1982, Cal-Vet Loan Recognition Day on the occasion of the 60th anniversary of farm and home loans to California veterans

Res Ch 69 (AJR 106) Kelley Grapes

This measure would memorialize the President and Congress of the United States to enact legislation to require that imported table grapes comply with the same federal requirements applicable to domestic grapes regarding grade, size, quality, and maturity

Res Ch 70 (ACR 114) Roos Housing problems

This measure would direct the Assembly Committee on Housing and Community Development and the Senate Committee on Local Government to research and present ideas which will result in new, affordable housing units and to make a final report thereon to the Legislature by November 30, 1982 The measure would authorize the committees to exercise the powers of standing committees of the Legislature and the rules committees of each house to make money available for expenses from their respective contingent funds

Res Ch 71 (SJR 42) Roberti Anatoly Shcharansky

This measure reaffirms the commitment of the Legislature of the State of California to human rights and calls upon the Soviet Union to release Anatoly Shcharansky from prison and allow him to join his wife in Israel

Res Ch 72 (AJR 94) Filante Elderly and disabled persons home health services

This measure would memorialize the President and Congress of the United States to enact the Community Home Health Services Act of 1981 to encourage the establishment of home health programs, to expand the coverage of home health services for the elderly and disabled under the Medicare and Medicaid programs, and to encourage individuals

to provide care for qualified disabled dependents in the home

Res Ch 73 (AJR 68) Rogers Parolees
This measure would memorialize the Congress of the United States to enact legislation to give the United States Parole Commission and the Bureau of Federal Prisons the authority to release all relevant information concerning specified federal prisoners and parolees who are or may be residing or temporarily domiciled in the State of California and who have been convicted of a federal crime which could have been prosecuted as a felony under the penal provisions of this state, to local state law enforcement agencies The measure would also request the United States Parole Commission and the Bureau of Federal Prisons to promulgate the necessary regulations as soon as possible

Res Ch 74 (AJR 82) Kapiloff Acid rain
This measure would memorialize the President and Congress to provide for a detailed study and evaluation of the problem of acid deposition in the Western United States and to provide increased federal support for independent scientific research into the causes, effects, and control of air pollution and acid deposition

Res Ch 75 (AJR 88) N Waters Environmental Protection Agency National Pollutant Discharge Elimination System
This measure memorializes the Congress of the United States to amend Public Law 92-500 to eliminate the application of National Pollutant Discharge Elimination System permits to releases from reservoirs

Res Ch 76 (SJR 48) Watson Adoption Assistance and Child Welfare Act of 1980
This measure would memorialize the President and Congress of the United States to preserve the federal Adoption Assistance and Child Welfare Act of 1980, to provide the full amount of funding for services and cash assistance payments provided for under that act, and to refrain from reducing funding for the National Center on Child Abuse and Neglect

Res Ch 77 (SJR 56) Stiern Railroad Retirement System
This measure would urge Congress to reject any proposal which would abolish or reorganize the Railroad Retirement System

Res Ch 78 (SCR 73) O'Keefe California National Guard county commissions
This measure would encourage counties throughout the state to form county commissions on the California National Guard to develop relationships, coordination, and mutual understanding between county governments and the National Guard

Res Ch 79 (ACR 144) Young California Motorcycle Awareness and Safety Month
This measure would designate the month of August 1982 as "California Motorcycle Awareness and Safety Month"

Res Ch 80 (AJR 109) Moore Minority owned or controlled savings and loan associations
This measure memorializes the President and the Congress of the United States to enact legislation which would require the Federal Home Loan Bank Board to devise and adopt measures to assure the survival and viability of minority owned or controlled savings and loan associations through merger or special financial assistance under the National Housing Act

Res Ch 81 (AJR 78) Torres Child health care United States and Mexico
This measure would memorialize the President and the Congress of the United States to initiate discussions with the government of Mexico on the issue of border health care for children for the purpose of establishing a child health care coordination policy agreement between the United States and Mexico

Res Ch 82 (ACR 74) Lockyer State highways Nimitz Freeway study
This measure would request the Department of Transportation to study the feasibility of including the Nimitz Freeway in the National System of Interstate and Defense Highways for purposes of eligibility for federal funds for its rehabilitation

Res Ch 83 (ACR 85) Campbell Aquatic and boating safety education
This measure would request the governing board of each school district to determine whether classes in aquatic and boating safety are needed in the district It would request each governing board that finds an existing need for this instruction to provide it, pursuant to specified provisions of law
It would also request the Department of Education to assist school districts in developing programs in aquatic and boating safety education

Res Ch 84 (ACR 148) Moore Relative to "Early Detection of Breast Cancer Month"
This measure would proclaim the month of August 1982 as "Early Detection of Breast Cancer Month," and urge that all people join together in recognizing the need for early detection and treatment of breast cancer.

Res. Ch. 85 (ACR 134) Johnson P O W -M I A Recognition Day
This measure would proclaim July 9, 1982, as P O W -M.I.A Recognition Day in California

Res Ch 86 (ACR 95) Johnston Merit awards
This measure authorizes merit awards, which have been approved by the Department of Personnel Administration, to be paid to specified individuals.

Res Ch 87 (SCR 44) Mello California Senior Legislature
This measure would commend the California Commission on Aging, the 120 members of the California Senior Legislature, and others for their efforts in making the first session of the California Senior Legislature a success.
This measure would further request the California Commission on Aging to sponsor annual sessions of the California Senior Legislature.

Res Ch 88 (SCR 47) Alquist Public Utilities Commission· reports on the status of rate applications
This measure would advise the Public Utilities Commission that it may discontinue submitting certain reports to the Legislature regarding the status of rate applications submitted quarterly and annually pursuant to Resolution Chapter 111 (SCR 51) of the Statutes of 1977

Res Ch 89 (SJR 50) Keene Veterans: atomic radiation exposure, health benefits
This measure would memorialize the President and Congress to direct the Veterans' Administration to revise current regulations, regarding the provision of health care to veterans exposed to atomic radiation, to take recognition of medical evidence associating exposure to atomic radiation with a wide range of health effects and to investigate the health and genetic complaints of veterans exposed to atomic radiation and the apparent loss of records pertaining to these veterans.

Res Ch 90 (SJR 52) Roberti Agricultural exports.
This measure would request the Congress of the United States and appropriate federal agencies to seek the most effective remedies to the problems of protectionism and subsidized competition which affect the movement of United States', and particularly California's, agricultural products into international trade

Res. Ch. 91 (ACR 71) Frazee. Henry G Fenton Bridge
This measure would designate the old Miramar Road Overcrossing on Interstate Route 805 in San Diego County as the Henry G. Fenton Bridge It would direct the Department of Transportation to determine the cost of and to erect appropriate plaques and markers. The measure would also require that the cost of these plaques and markers be paid for by local citizens.

Res. Ch 92 (ACR 86) Bosco Malcolm G Coombs Memorial Bridge
This measure would designate Bridge No 4-155 on State Highway Route 101, located 4 miles south of Garberville and spanning the South Fork of the Eel River, as the Malcolm G Coombs Memorial Bridge. It would direct the Department of Transportation to determine the cost of, and, upon receiving donations from private sources covering that cost, to erect appropriate plaques and markers.

Res Ch 93 (ACR 97) Farr Special education Special Olympics

This measure would request all school districts, special education services regions, and county offices conducting special education programs to work with California Special Olympics, Inc to develop and establish recreational therapy programs to serve as part of the individualized education programs for those individuals with exceptional needs who are eligible to participate in the Special Olympics

Res Ch 94 (ACR 103) Kelley Agricultural pest control air travelers

This measure would request that the Director of Food and Agriculture meet with air carrier representatives on or before July 1, 1982, to discuss methods of informing air travelers on the need for pest exclusion. The measure would also request that the director, with the assistance of the United States Department of Agriculture, investigate the feasibility of producing a brochure to be distributed to air travelers which discusses pest exclusion

Res Ch 95 (AJR 79) N Waters Amador County Wine Grape Growers Association

This measure would memorialize the federal Bureau of Alcohol, Tobacco, and Firearms to favorably consider the application of the Amador County Wine Grape Growers Association for the designation of the Shenandoah Valley as a viticultural area

Res Ch 96 (AJR 87) Levine Natural gas decontrol

This measure memorializes the President and Congress to require the Federal Energy Regulatory Commission to take no further action to accelerate the decontrol of natural gas prices

Res Ch. 97 (AJR 104) Filante American night-fighter squadrons of World War II

This measure would request the United States Postal Service to issue a postage stamp to commemorate the service of the American night-fighter squadrons of World War II, with the stamp to depict the P-61 "Black Widow" aircraft

Res Ch. 98 (SCR 30) Marks Industrially injured employees

This measure would encourage private employers to rehire the industrially injured, whenever feasible

Res Ch 99 (ACR 78) Felando Relative to handicapped parking

This measure would request the people of California to preserve parking spaces for the handicapped for their use, to support awareness and acceptance of the handicapped, and to support the right of access for all citizens by encouraging cities and counties to designate Blue Curb Days throughout the state

Res Ch 100 (ACR 89) Felando Department of Aging employment of older persons

The measure would require that the State Department of Aging, in conformity with the requirements of federal and state statutes, establish and implement an affirmative action employment plan, as specified, for the recruitment, hiring, training, and retraining of persons 60 years of age or older, and that it submit to the Assembly Committee on Aging and to the Legislature information on this plan, as specified

Res Ch 101 (ACR 91) Chacon Relating to elderly persons

Existing law provides for various programs using federal and state funds to provide services to elderly persons and which are under the administration of the Department of Aging Federal law requires that these programs be administered in such a manner as to attempt to provide assistance to those elderly in the greatest need

This measure would request the Department of Aging to conduct a study of funding formulas, using specified criteria, for these programs

The measure would also request that a report be submitted by the department to the legislative committees on aging by March 1, 1983, on this study

The measure would require the Chief Clerk of the Assembly to transmit a copy of this resolution to the Director of the Department of Aging

Res. Ch 102 (AJR 60) Papan Rates of interest
This measure would memorialize the President and Congress of the United States to immediately enact legislation placing a maximum chargeable interest rate of 2% above an index selected by Congress and the President.

Res Ch 103 (SCR 49) Stiern State highways Clyde V Kane Safety Roadside Rest
This measure would designate the Midway Safety Roadside Rest, 32 miles east of Barstow on Interstate Route 15, as the Clyde V Kane Safety Roadside Rest The Department of Transportation would be required to determine the cost of appropriate plaques and markers and, upon receiving donations from private sources covering the cost, would be required to erect the plaques and markers

Res Ch 104 (SCR 60) Ayala Private interest and public participation entities
This measure would express support of the creation of private interest and public participation entities to encourage industrial growth and would request the appropriate state agencies to provide available information, at cost

Res Ch 105 (SCR 61) Johnson Fairs carnival contracts
This measure would request the Division of Fairs and Expositions of the Department of Food and Agriculture to select and request 2 state-supported fairs to implement revenue control techniques with respect to carnival contracts for the 1983 fair season The 2 fairs would report their findings on the project to the division by January 1, 1984, which would review the findings and make recommendations to the Legislature It would specify that the division's costs for the study and report be done within existing appropriations to the division

Res. Ch 106 (SCR 62) Montoya Electric rates cost-effective load management.
This measure would request the Public Utilities Commission to order the electric utilities under its jurisdiction to prepare and file tariffs providing for alternative rate schedules for electrical service options which will increase incentives and opportunities for cost-effective load management, to install metering and other devices necessary to the proper functioning of these tariffs, and to participate in research, development, and demonstration projects presenting a reasonable probability of resulting in information, procedures, and devices capable of expanding the range or certainty of cost-effective load management techniques The measure would also request the commission to provide for the timely recovery of all costs incurred by electric utilities pursuant to these activities

Res. Ch 107 (SCR 69) Rains Crime prevention training
This measure would request the Commission on Peace Officer Standards and Training to prepare guidelines which may be followed by law enforcement agencies for community crime prevention and would request that on and after July 1, 1983, the course of training leading to the basic certificate issued by the commission shall include adequate instruction in the procedures for community crime prevention

Res. Ch 108 (SJR 47) Ellis. Schools federal impact aid
This measure would request the federal government to restore impact aid funding for all federally connected students in California.

Res. Ch 109 (SJR 67) Dills United States Constitution 195th anniversary
This measure would urge the President, the Congress, the Governor of California, the governors of the several states, and the legislatures thereof, to join all Americans, on the 195th anniversary of the United States Constitution, in reaffirming its principles

Res Ch 110 (ACR 109) Alatorre State highways Southwest Museum directional signs
This measure would request the Department of Transportation to erect and maintain directional signs on State Highway Route 11 that indicate the direction to the Southwest Museum if the Southwest Museum pays the cost of purchasing and erecting the signs.

Res Ch 111 (ACR 123) La Follette. State Highways Route 1
This measure would request the Department of Transportation to conduct a study of measures to reduce traffic congestion on State Highway Route 1 between the McClure Tunnel and Malibu Canyon Road and to report the results of the study with recommendations to the Legislature by December 31, 1983 It would request the department to establish a Pacific Coast Highway Advisory Committee to assist it in identifying, reviewing, and evaluating traffic congestion reduction methods.

Res Ch 112 (ACR 131) Wyman Llano disposal site
This measure would request the State Department of Health Services to review and upgrade, if possible, the priority ranking of the Llano disposal site concerning remedial action, to fulfill the commitment the department has made to restore the site, and, if at all feasible, to engage in accelerated and more extensive restoration activities

Res Ch. 113 (ACR 136) Wray Veterans interview panel state service
This measure would request the State Personnel Board to make provision for the appointment of a veteran who is a member of, or endorsed by, a federally recognized veterans' group, or of a nonprofit veterans' group, to any oral examination panel interviewing for any state class which involves the provision of specialized services to veterans

Res Ch 114 (SCR 46) Ellis State highways and guideways.
This measure would request the California Transportation Commission, in cooperation with local and regional entities, to identify specific high-priority state highway and guideway projects and to submit a separate report on each of these projects to the Legislature not later than January 1, 1983.

Res Ch 115 (SJR 53) Petris Tank truck vehicles
This measure would memorialize Congress to investigate and enact legislation regulating the design of tank truck vehicles

Res. Ch 116 (SCR 59) Russell Disabled state employees
This measure would request the heads of specified state departments and agencies to establish a study team, under the direction of the Department of Personnel Administration, to consult with appropriate employee organizations and legislative staff and prepare a preliminary report to be presented at a public meeting no later than July 31, 1983, and to prepare a final report to the Legislature no later than October 31, 1983, concerning specified issues relating to disabled state employees

Res Ch 117 (SCR 70) Greene. Revitalization of south central Los Angeles
This measure would express the Legislature's support and encouragement of continued efforts by the City of Los Angeles, the County of Los Angeles, segments of the private sector, and community organizations to redevelop and revitalize the economically depressed south central Los Angeles area, and would request the appropriate state agencies to provide all available information and assistance to promote the accomplishment of those goals

Res Ch 118 (SJR 64) Vuich Agriculture disaster emergency loans
This measure memorializes the United States Secretary of Agriculture to make a favorable finding on the designation of Fresno and Tulare Counties as Farmers Home Administration emergency loan areas at the earliest time possible

Res Ch 119 (ACR 112) Herger Weight fees farm vehicles.
This measure would request the Legislative Analyst, after consultation with the Assembly and Senate Offices of Research and industries affected, to determine the most cost-effective method of establishing a class of farm vehicles, distinct from commercial truck classifications, for the purpose of paying weight fees, and to submit, on or before July 1, 1983, a report thereon to the Legislature

Res Ch 120 (ACR 122) Costa. Building Standards Commission.
This measure would request the State Building Standards Commission to delay the publication, in whole or in part, of the text of the model codes, until January 1, 1983, and, if SB 1856 is enacted, would request that the commission and each of the respective governing bodies of the organizations which publish specified model codes submit to the

Legislature individual reports on any progress that may have occurred pursuant to SB 1856 with respect to proposed agreements to publish each respective uniform code and its corresponding part of the State Building Standards Code as an incorporated document

Res Ch. 121 (ACR 142) Young Commending Vin Scully
This measure would commend Vin Scully upon the occasion of his receipt of the Ford C Frick Award for 1982

Res Ch 122 (ACR 152) Farr Relative to memorializing Ralph N Kleps
This measure memorializes Ralph N Kleps, former Legislative Counsel of California

Res Ch 123 (AJR 65) Vasconcellos National Academy of Peace and Conflict Resolution· establishment
This measure would memorialize the President and Congress of the United States to establish a National Academy of Peace and Conflict Resolution.

Res Ch 124 (AJR 86) Sher Gas and electric utilities federal Economic Recovery Tax Act of 1981
This measure would memorialize the President and Congress to revise the federal Economic Recovery Tax Act of 1981 to provide that tax benefits to gas and electric utility companies resulting from changes in accelerated depreciation rules, investment tax credits, and other tax deductions be passed through to the utilities' ratepayers

Res. Ch 125 (AJR 89) Chacon Federally assisted student financial aid programs
This measure would memorialize each Senator and Representative from California in the Congress of the United States to work for the support of a federal appropriation level equivalent to that appropriated for the 1981 fiscal year for the support of specified federally assisted student financial aid programs, and for the enactment of federal legislation to accelerate loan collection efforts on delinquent student loans so as to establish a revolving student loan funding mechanism so as to maintain the opportunities which are available to a significant number of the nation's citizens to successfully enter into and complete a program of postsecondary education

Res Ch 126 (AJR 90) Bosco Telecommunications federal legislation
This measure would memorialize the President and the Congress of the United States to refrain from enacting proposed telecommunications legislation until specified principles are incorporated in the legislation, and would request the Governor and the Public Utilities Commission to cooperate in petitioning Congress to incorporate those principles in the legislation

Res Ch. 127 (AJR 96) Costa Federal Home Loan Mortgage Corporation.
This measure would express the support of the California Legislature relative to legislation pending in the Congress of the United States to enable the Federal Home Loan Mortgage Corporation to increase its capital base through the issuance of public stock to support an expansion of its housing services and volume capacity to purchase and guarantee home loans

Res Ch 128 (AJR 98) Kapiloff Hydroelectric energy
This measure would request the United States Department of Energy to investigate the possibility of securing hydroelectric energy from proposed hydroelectric projects, including, particularly, the securing of this energy for areas of California which are heavily dependent upon petroleum resources for the generation of electric energy
This measure would also memorialize the President and Congress to enact appropriate legislation to ensure full federal support of all potential hydroelectric energy sources.

Res Ch 129 (AJR 103) McCarthy Equal educational opportunity for women
This measure would memorialize each Senator and Representative from California in the Congress of the United States to preserve the scope and strength of Title IX relating to equal educational opportunity for women and to work for the defeat of any legislation which would weaken or dismantle Title IX This measure would also proclaim June 23, 1982, Title IX Day

Res. Ch 130 (AJR 105) Katz Housing construction program

This measure would memorialize the United States Congress to permit each state to utilize any funds available for housing vouchers, in excess of funds needed to convert existing Section 8 housing certificates to housing vouchers, for a state-designed and state-implemented program to stimulate new rental housing production

Res Ch 131 (AJR 112) Statham Mt Shasta Ski Area

This measure would memorialize the President and Congress of the United States to enact legislation to finalize the Mt Shasta Wilderness Area in order to reestablish skiing on Mt Shasta

Res Ch 132 (AJR 113) Kapiloff Radioactive waste disposal federal action

This measure would memorialize the President and the Congress to take appropriate actions to adopt and implement a plan that will systematically develop and demonstrate technology or means for the disposal of commercial high-level radioactive waste, including in situ and site specific testing, and which should be offered to the states and other interested parties for full review

Res Ch. 133 (AJR 125) Vasconcellos Children's Peace Day

This measure would memorialize the President and the Congress of the United States to note the importance of Children's Peace Day and to join with the children in their efforts to bring peace to the world

Res Ch 134 (ACR 96) Konnyu Schools study of economics

This measure would request all school districts, offices of county superintendents, certificated employee associations, and the State Board of Education to support efforts to teach in the California public schools an understanding of the American economic system and economic principles.

Res Ch 135 (ACR 116) Ivers Emergency medical personnel

This measure requests the Public Employees' Retirement System, upon request by one of its local contracting agencies and in consultation with the Emergency Medical Services Authority, paramedic organizations, and local governments, to review the current pension benefits provided to emergency medical personnel and report certain specified information to the Legislature

Res Ch 136 (ACR 117) Agnos Waterbeds in rental units

This measure would direct the Department of Housing and Community Development to undertake a study to recommend under what conditions, if any, landlords can safely permit waterbeds in rental units with reasonable protection of their investment and property The measure would also authorize the department to accept $10,000 from the Waterbed Manufacturers Association and other private contributions to defray the complete cost of the study

Res Ch 137 (ACR 129) Papan Joint Rules· legislative oversight of administrative regulations

Section 11349 7 of the Government Code, as amended by Chapter 86 of the Statutes of 1982 (an urgency statute), requires that the Office of Administrative Law, at the request of any standing, select, or joint committee of the Legislature, initiate a priority review of any regulation, group of regulations, or series of regulations which the committee believes does not meet the standards of necessity, authority, clarity, consistency, and reference, as set forth in existing law

This measure would require that the Joint Rules Committee, or the respective rules committee of each house, as applicable, approve any request made pursuant to Section 11349 7, and would require that the appropriate rules committee submit the request to the Office of Administrative Law Both the appropriate rules committee and the requesting committee would be required to receive a copy of the priority review

Res Ch 138 (ACR 145) Tanner Peace officer safety

This measure would request the directors of all state agencies which employ persons in the capacity of peace officers to place a high priority on the provision and maintenance of appropriate safety and protective equipment for their law enforcement personnel

Res Ch 139 (AJR 72) Floyd Veterans' unemployment benefits

This measure would memorialize the President and Congress to support and enact changes in the Omnibus Budget Reconciliation Act of 1981 (P L 97-35) to restore unemployment benefits to servicemen and women discharged or released from active duty necessary to assist them in transition to civilian life

Res Ch. 140 (AJR 80) Farr Coastal management programs funding

This measure would memorialize the President and Congress to support the establishment of an ocean and coastal resources management and development fund, supported by Outer Continental Shelf oil and gas revenues, and to provide that the money from the fund be distributed to coastal and Great Lake states and territories in block grants for coastal management, research, energy impact planning and mitigation, and fisheries management programs

Res Ch 141 (AJR 111) Hannigan Elimination of Community Service Employment for Older Americans program

This measure would memorialize the President and Congress of the United States to refrain from taking any action which could lead to the elimination or dismantling of the Community Service Employment for Older Americans program and to extend full funding to the program

Res Ch 142 (AJR 116) Imbrecht Contributions to schools computers

This measure would memorialize the Congress of the United States to support efforts to encourage corporations to make charitable contributions of computers or other sophisticated technological equipment by allowing the corporations greater tax credits and deductions for these contributions

Res Ch 143 (AJR 117) Levine California's Outer Continental Shelf oil leases

This measure would declare legislative support for the actions taken by the state to prevent the proposed lease sale of specified tracts of California's Outer Continental Shelf by the United States Department of the Interior

Res Ch 144 (AJR 120) Bosco. Water quality federal standards

This measure would request the Environmental Protection Agency to reopen specified proceedings involving two owners and operators of pulp mills located on the Samoa peninsula near Eureka, and to approve certain variances from federal ocean discharge limitations granted the 2 pulp mills in 1977 by the State Water Resources Control Board

The measure would, if it is not feasible to reopen the proceedings, memorialize the President and the Congress to amend the Clean Water Act of 1977, after careful evaluation of the potential water quality impacts of such action, to provide appropriate relief and to incorporate in the legislation specified provisions

Res Ch 145 (SCR 48) Campbell Joint Committee on Fire, Police, Emergency, and Disaster Services

The Joint Committee on Fire, Police, Emergency, and Disaster Services is created under Resolution Chapter 27 of the Statutes of 1981, which terminates the committee's existence on November 30, 1982 The committee has a membership of 5 Members of the Senate, appointed by the Senate Rules Committee, and 5 Members of the Assembly, appointed by the Speaker of the Assembly

This measure would continue the committee in existence until it is terminated by the Legislature on a date subsequent to the adoption of this measure, and would increase the committee's membership to 6 members of each house, with the same appointing authorities

Res Ch 146 (SCR 52) Watson 1984 Olympic Games

This measure would express the concern of the Legislature that a fair proportion of the contracts for the 1984 Olympic Games be placed with small, minority, and women-owned businesses, and that due consideration should be given to businesses based in the greater Los Angeles area in the letting of these contracts by the Los Angeles Olympic Organizing Committee

Res Ch. 147 (SCR 64) Mello Crime statistics

This measure would request local law enforcement officials and the Department of Justice to provide information concerning the ages of victims of crime

Res Ch 148 (SCR 86) Foran State highways John "Chuck" Erreca Safety Roadside Rest

This measure would designate the Panoche Safety Roadside Rest on Interstate Route 5 as the John "Chuck" Erreca Safety Roadside Rest. The Department of Transportation would be required to determine the cost of the appropriate plaques and markers, and upon receiving donations from private sources covering the cost, would be required to erect the plaques and markers The department would be required to post and maintain a copy of this resolution in the display case at the roadside rest

Res Ch 149 (SCR 87) Dills Joint Committee on the State's Economy continuation

This measure would continue the existence of the Joint Committee on the State's Economy and its advisory committees through January 31, 1984

Res Ch 150 (SJR 37) Marks Coast Guard programs

This measure would memorialize the President and the Congress to support legislation providing for the agreements necessary to continue Vessel Traffic Service. The measure would also request the United States Department of Transportation to continue negotiations with the California maritime industry and concerned citizens to explore the feasibility of alternatives for joint public and private sector operation of a marine navigation traffic system

Res Ch 151 (SJR 41) Vuich New Melones Dam

This measure would support the Secretary of the Interior in his efforts to operate the New Melones Reservoir at its maximum capacity to fully achieve all the benefits envisioned by Congress when the project was authorized

Res Ch 152 (SJR 60) Campbell Radio telecommunications

This measure would memorialize the Federal Communications Commission to allocate additional radio spectrum frequencies to Land Mobile Service for Public Safety Agencies in major metropolitan and urban areas of the United States pursuant to the principles set forth in a petition submitted to the Federal Communications Commission by the Los Angeles County Sheriff

Res Ch 153 (SJR 62) Carpenter United States Academy of Peace and Conflict Resolution

This measure would express the Legislature's support of the passage of the United States Academy of Peace and Conflict Resolution Act, and would memorialize the California delegation to the Congress of the United States to work to secure its passage

Res Ch 154 (SJR 68) Vuich California raisin industry

This measure would request the President and Congress to immediately take whatever action is necessary to promptly protect the California raisin industry's established markets and restore fair world trade in light of unfair practices being engaged in by the European Economic Community

Res Ch 155 (SJR 69) Garamendi Military retirees hospital care

This measure would request the President and Congress to support and enact legislation authorizing the expansion of on-base hospital facilities sufficient for the use of retired military personnel and their dependents as well as active duty personnel, thus creating construction employment and reducing the need for federal payments for private medical care

Res Ch 156 (SJR 46) Keene Crude Oil Windfall Profit Tax Act of 1980

This measure would memorialize the Congress and the President of the United States to amend the Crude Oil Windfall Profit Tax Act of 1980 in a specified manner as proposed by S 753, H R 3044, and H R 6056

Res Ch. 157 (SCR 84) Foran State highways Philip S Raine Safety Roadside Rest.

This measure would designate the Tipton Safety Roadside Rest on State Highway Route 99 as the Philip S Raine Safety Roadside Rest and would request the Department of Transportation to determine the cost of erecting appropriate plaques and markers to show this designation and, upon receiving donations from private sources covering that cost, to erect those plaques and markers

Res Ch 158 (SCR 33) Keene Joint Committee on Science and Technology

This measure creates the Joint Committee on Science and Technology, and provides for the membership, authority, and duties of that committee

The measure would further provide that the Joint Committee shall be terminated on January 1, 1985

Res Ch 159 (ACR 67) Thurman California Conservation Corps

This measure commends and thanks the California Conservation Corps for its efforts in supporting the state's rural economy, providing emergency operations during times of crisis, and preserving and enhancing the natural resources of the state

Res Ch 160 (ACR 104) Lehman Air pollution San Joaquin Valley

This measure would request appointment of a 12-member task force comprised of residents of the San Joaquin Valley, with 4 members appointed by the Governor, 4 members appointed by the Senate Rules Committee, and 4 members appointed by the Speaker of the Assembly The task force would become operative on February 1, 1983, and would be required to make recommendations to the Legislature by June 1, 1984, as to recommended courses of action in dealing with air pollution problems in the San Joaquin Valley

The measure also would request the Office of Planning and Research to provide technical assistance to the task force and to assist the task force in preparation of its report to the Legislature

Res Ch 161 (ACR 108) N Waters New Melones Reservoir filling

This measure would declare that the current policy of the State Water Resources Control Board relative to the filling of the New Melones Reservoir, that is preserving the white water to the detriment of dependable power generation capacity, as well as other benefits not related to irrigation, is not acceptable, and would request the board to review its policy in light of the public need for affordable power

Res Ch 162 (ACR 135) Floyd Edmond J Russ Freeway Exchange Arthur H Edmonds Underpass

This measure would designate the Harbor Freeway (Route 110)—Artesia Freeway (Route 91) Freeway Interchange as the Edmond J Russ Freeway Interchange and would direct the Department of Transportation to determine the cost of, and to erect, appropriate plaques and markers showing that designation, upon receiving donations covering the costs of erecting the plaques and markers from private sources

The measure would also designate the Mikon Underpass on Route 84 in Yolo County as the Arthur H Edmonds Underpass and would direct the department to determine the cost of, and to erect, appropriate plaques and markers showing that designation, upon receiving donations covering the costs of erecting the plaques and markers from private donations

Res Ch 163 (ACR 139) Robinson Eugene Marias

This measure would memorialize Eugene Marias

Res Ch. 164 (ACR 143) Ivers Sales and use tax· sale of narcotics

This measure would direct the State Board of Equalization to compute, determine, and collect sales and use tax in connection with the illegal sale of narcotics and other illegal drugs, as specified

Res Ch 165 (ACR 146) M Waters Toxic building materials

This measure would direct the State Fire Marshal, in conjunction with the Department of Industrial Relations, to assess the current test methods in the field of combustion toxicology and to adopt the most appropriate existing method to rate the relative toxicity of all materials intended for use in high density occupancy buildings

The measure would direct the Department of Industrial Relations, in conjunction with the State Fire Marshal, to assess the test methods in the field of combustibility as they currently exist, and to adopt or adapt the most appropriate existing test methods to rate the relative combustibility of all materials intended for use in or as a part of high density occupancy buildings, as specified

This measure would direct the State Department of Health Services to cooperate with the State Fire Marshal and the Department of Industrial Relations in any appropriate way

This measure would also direct the State Fire Marshal and the Department of Industrial Relations to submit copies of their reports to the Legislature by April 30, 1983

Res Ch 166 (ACR 150) Duffy Relative to proclaiming Guadalcanal 40th Anniversary Week

This measure would request the Governor to proclaim August 7 to August 14, 1982, as "Guadalcanal 40th Anniversary Week," and that he join Members of the Legislature in urging all Californians to observe this solemn memorial occasion

Res Ch 167 (ACR 153) Agnos George R Reilly

This measure commends George R Reilly upon the occasion of his retirement from the State Board of Equalization

Res Ch 168 (ACR 154) Hannigan Arthur H Edmonds Underpass

This measure would designate the Mikon Underpass on Route 84 in Yolo County as the Arthur H Edmonds Underpass, and would direct the Department of Transportation to determine the cost of, and to erect, appropriate plaques and markers showing that designation, upon receiving donations covering the costs of erecting the plaques and markers from private donations

Res Ch 169 (AJR 69) Chacon Public libraries federal funding

This measure would commend the State Librarian and the library community for their continued support of free access to library information services and resources for the disadvantaged and other groups with special needs It also would memorialize Congress to maintain current levels of funding for the Library Services and Construction Act in 1982 and to provide adequate funding in subsequent years in order to provide vital federal funds to the State of California for library services to the disadvantaged

Res Ch 170 (AJR 71) Floyd Veterans federal burial benefits

This measure would memorialize the President and Congress to restore the federal $300 burial benefit for veterans

Res Ch 171 (AJR 76) Sebastiani Social Security survivor's benefits

This measure would memorialize the President and Congress of the United States to review and amend federal law to prevent persons convicted and imprisoned for murdering a family member from benefiting from federal funds paid as a result of the death of the murder victim

Res Ch 172 (AJR 93) Felando Commercial fishing off the coast of Mexico

This measure would memorialize the President, the Congress of the United States, and the United States Secretary of State to reopen negotiations with Mexico on the issue of commercial fishing within the offshore economic zone and to negotiate in good faith, as prescribed

Res Ch 173 (AJR 110) Katz Student loan repayment

This measure would memorialize the Congress of the United States to implement a program whereby the applicable student loan authority may make a determination as to whether a person who is in default of a student loan is financially capable of repaying the loan, and which would authorize the student loan authority to require that the person perform community work related to his or her degree or field of study for which credit would be given towards the amount owed

Res Ch 174 (AJR 119) Imbrecht Employment on the Outer Continental Shelf
This measure would request the President and Congress to take such action as is necessary to ensure the use of American labor on the Outer Continental Shelf, with all applicable affirmative action guidelines

Res Ch 175 (AJR 127) Filante Hospice care
This measure would memorialize the President and Congress of the United States to enact the provisions of House Bill 5180 and Senate Bill 1958 which extend Medicare coverage to hospice services for terminally ill persons in the United States

Res Ch 176 (AJR 128) Thurman Wool and mohair research Western Regional Research Center.
This measure would memorialize the President and the Congress of the United States to maintain the wool and mohair research conducted by the Western Regional Research Center of the Science and Education Administration at the center's present location in Albany, California, until a more appropriate location in northern California is selected

Res Ch 177 (AJR 129) Cramer Ontario Airport
This measure would memorialize the President and Congress to direct the Civil Aeronautics Board to designate Ontario Airport as an international airport and a port of entry into the United States with customs clearance

Res Ch 178 (SCR 75) Watson. Handicapped infants denial of necessities
This measure would express the members' distress that an infant would be allowed to die by calculated neglect because the infant was born mentally retarded, would express the view that it should not be within the purview of the courts or hospitals to determine the worth of a handicapped person's existence or to selectively deprive infants of life sustaining nourishment, and would express the intention that no handicapped infant in the state be denied food, water, or medical attention solely on the basis of handicap

Res Ch 179 (SJR 27) Keene Radioactive waste
This measure would memorialize the President and Congress to ban the scuttling of nuclear submarines off the coast of California and all other radioactive waste disposal in Pacific Ocean waters under the control of the United States until and unless future valid and reliable scientific studies prove it is safe The measure would support a proposed amendment to the Marine Protection Research and Sanctuaries Act which would require that any federal agency proposing to dump radioactive wastes in the ocean to provide Congress and the public with certain information concerning the proposed dumping and would permit either house of Congress to veto any permit of the Environmental Protection Agency authorizing such dumping The measure would propose an international treaty to ban disposal of radioactive waste in the Pacific Ocean, as specified The measure would also request that specified agencies of the federal government provide information relating to marine life in the vicinity of existing radioactive dumpsites in the ocean waters near California The measure would memorialize Congress to investigate the effects of radioactive contamination of the oceans The measure would request Congress and the President to require the Environmental Protection Agency to give notice prior to publication of changes in ocean dumping regulations to Pacific coast state and local governments and to consult with those agencies and to conduct public hearings on the Pacific coast before adoption of the regulations The measure would request the Pacific states and the United States Pacific territories to join California in opposing all radioactive waste disposal in the Pacific, as specified, and would invite those entities to attend meetings in Monterey, California, on November 15, 16, and 17, 1982, to plan common strategy for this opposition

Res Ch. 180 (SJR 70) Roberti. Social Security
This measure memorializes the President and the Congress of the United States to extend the provisions of Public Law 97-123, which authorized interfund loans and transfers between the Old Age and Survivors Insurance Fund, the Disability Insurance Fund, and the Health Insurance Fund until December 31, 1982, to at least the first 2 calendar quarters of 1983, and urges the leadership of the Senate and the House of Representatives to assure the senior citizens of this state and this country that no efforts will be made to enact major changes in the benefit or financing structure of the Social Security System

during the balance of the 97th Congress

Res Ch 181 (ACA 74) Agnos Elected office disqualification for libelous or slanderous statements

Existing provisions of the California Constitution make no provision for the disqualification from office of a person who is judged liable for making libelous or slanderous statements against an opposing candidate during the course of an election campaign

This measure would provide that no person who is found liable in a civil action for making libelous or slanderous statements against an opposing candidate during the course of an election campaign for federal, state, or local office shall retain or be entitled to the seat to which he or she is elected, where it is judicially established (a) that the libel or slander was a major contributing cause in the defeat of an opposing candidate and (b) that the statement was made with actual knowledge that it was false or with reckless disregard of whether it was false or true It would provide that the disqualification or forfeiture shall create a vacancy in office, which vacancy shall be filled in the manner provided by law for the filling of a vacancy in that particular office

This measure would also provide that the person shall have no authority to exercise the powers or perform the duties of the office if a judgment of liability is entered by the trial court, the requisite findings made, and the time for filing a notice of appeal has expired or all possibility of direct attack on the judgment in the state courts has been finally exhausted in the state courts

The measure states that its provisions apply to libelous or slanderous statements made after its effective date

Res Ch 182 (ACR 141) Young Alan S Boyd

This measure would commend Alan S Boyd, President and Chairman of the Board of the National Railroad Passenger Corporation, on the occasion of his retirement

Res Ch 183 (AJR 107) McAlister Multiple-employer trusts

This measure would memorialize the President and the Congress of the United States to enact legislation permitting the states to regulate all multiple-employer trusts which do not meet the definition in the federal Employee Retirement Income Security Act of 1974 of "employee benefit plan "

DIGESTS OF RESOLUTIONS ADOPTED IN 1982

1981–82 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTERS

Res Ch 1 (SCR 1) Roberti Joint Rules

This measure would adopt the Temporary Joint Rules of the Senate and Assembly for the 1981–82 Regular Session, except Joint Rules 51, 55, 61, and portions of Joint Rules 29.5(a) and 62(a), as the Temporary Joint Rules of the Senate and Assembly for the 1981–82 First Extraordinary Session

Res Ch 2 (ACR 1) Robinson 1981–82 First Extraordinary Session adjournment

This measure would adjourn the 1981–82 First Extraordinary Session sine die on adjournment on 4 p.m., February 25, 1982

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1982

1981–82 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

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21	326	501	1296	828	492
26	1302	523	505	834	1061
49	137	528	100	837	1384
57	584	542	53	846	136
69	1244	548	25	853	1540
70	496	549	185	855	1143
79	98	550	46	858	473
103	26	553	234	860	1194
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133	343	566	50	884	207
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172	92	606	193	940	412
182	1241	610	15	952	1623
184	112	611	140	959	467
194	3	614	167	960	12
198	68	628	1002	961	1102
206	369	629	80	964	1181
213	1385	630	487	966	13
221	731	636	1316	971	67
235	69	637	63	976	227
253	1300	638	1015	985	116
277	83	643	1269	997	682
283	206	656	1378	1003	298
294	416	662	24	1007	1290
298	1376	665	114	1008	219
321	43	671	88	1013	61
330	1639	675	413	1018	1348
346	51	676	826	1021	57
350	1422	681	1530	1022	1460
351	1563	684	922	1040	1049
366	133	689	1430	1053	73
369	220	692	1551	1063	49
370	121	703	107	1066	1107
404	1148	707	1364	1071	103
411	70	713	1044	1078	470
415	42	732	549	1084	312
419	170	742	373	1111	976
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1214	661	1528	868	1950	192
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1229	101	1536	1456	1961	1106
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1239	279	1542	5	1971	1187
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1324	1392	1641	76	2046	1173
1334	1466	1646	1511	2050	8
1337	20	1648	77	2054	169
1349	1481	1655	338	2059	29
1353	494	1667	38	2072	1251
1354	122	1668	259	2075	93
1355	1001	1683	16	2078	79
1356	294	1689	1218	2088	280
1358	21	1694	834	2090	1571
1363	1125	1698	82	2099	1263
1374	75	1700	339	2105	149
1376	33	1729	251	2112	239
1384	171	1733	1398	2130	506
1387	1375	1734	723	2133	386
1389	375	1738	417	2134	106
1395	60	1743	244	2137	47
1396	1180	1749	123	2151	309
1400	40	1759	87	2152	942
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2253	1272	2380	1064	2467	1000
2254	882	2381	687	2468	1240
2259	274	2384	1051	2471	349
2261	281	2385	9	2472	554
2262	586	2386	284	2473	666
2270	422	2387	688	2474	402
2271	1524	2388	629	2477	1077
2272	125	2389	590	2479	900
2279	105	2390	471	2481	504
2281	1480	2392	950	2482	953
2283	235	2393	591	2483	217
2284	550	2395	630	2485	888
2292	1123	2396	685	2486	380
2295	163	2397	994	2487	895
2296	340	2399	1046	2488	1195
2297	1387	2403	1415	2490	1414
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2308	1485	2408	631	2495	401
2310	1014	2409	1172	2496	398
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2341	182	2430	757	2520	1537
2342	1288	2431	183	2521	397
2343	405	2432	725	2522	531
2346	1304	2433	323	2523	732
2347	937	2435	403	2525	1047
2349	720	2438	724	2527	592
2350	1045	2440	1482	2530	698
2351	258	2441	553	2532	1591
2353	197	2442	528	2534	216
2354	346	2443	1541	2535	1421
2356	1299	2444	1261	2537	837
2357	1103	2445	191	2540	943
2358	838	2448	1192	2544	997
2359	899	2449	461	2545	662
2362	476	2452	1401	2547	233
2364	589	2454	529	2549	396
2365	1409	2456	745	2551	322
2366	527	2457	1255	2552	1418

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2555	427	2664	635	2750	517
2556	555	2666	707	2751	998
2561	1503	2667	678	2752	1473
2564	1407	2668	694	2753	1396
2565	215	2670	706	2757	982
2566	377	2671	1611	2758	1583
2569	532	2673	636	2760	1514
2570	1542	2674	139	2762	562
2571	1412	2675	1586	2763	1132
2572	1393	2678	428	2766	704
2574	845	2680	1427	2768	395
2576	311	2682	1093	2770	1489
2579	710	2683	637	2772	1536
2580	1477	2684	1094	2774	1130
2582	1442	2685	1097	2775	692
2583	1386	2686	1098	2777	851
2585	1454	2688	1096	2778	1256
2586	1543	2689	1099	2780	1202
2589	836	2690	1101	2781	925
2591	1082	2691	1100	2785	924
2592	709	2692	350	2790	563
2593	1644	2693	1134	2791	382
2595	1558	2694	516	2793	850
2596	1491	2695	977	2794	1612
2602	232	2697	1390	2799	609
2603	387	2700	705	2802	1004
2605	697	2701	1315	2807	1011
2606	1584	2703	213	2809	344
2607	257	2705	843	2811	557
2608	1518	2706	1557	2815	1013
2609	491	2708	638	2816	691
2613	556	2709	1227	2817	1063
2615	287	2710	523	2820	1573
2619	708	2711	1301	2821	1112
2622	1521	2712	852	2825	641
2626	696	2713	379	2826	703
2627	1070	2715	1170	2827	1377
2628	129	2716	1197	2828	1443
2629	479	2718	911	2832	1435
2631	370	2720	1555	2833	1157
2632	598	2721	1111	2834	775
2634	1502	2722	212	2837	1642
2635	1071	2723	1462	2841	1597
2637	954	2726	245	2842	1628
2639	1124	2727	351	2845	1048
2640	822	2728	639	2848	737
2641	944	2729	1133	2852	927
2643	269	2732	593	2854	352
2644	633	2733	693	2855	353
2646	256	2735	1519	2856	1072
2647	288	2737	524	2860	1453
2652	1334	2738	270	2868	1406
2654	695	2739	533	2871	951
2656	700	2741	753	2873	749
2658	634	2744	1233	2875	780
2660	1171	2746	211	2882	394
2662	214	2748	983	2886	1259
2663	186	2749	640	2887	1472

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2889	485
2891	515
2894	252
2895	1153
2901	1073
2903	135
2905	849
2906	1158
2907	1016
2909	1027
2912	642
2915	1403
2917	779
2918	246
2919	393
2920	1041
2921	711
2922	1616
2926	1311
2927	597
2928	1336
2932	1274
2935	715
2937	1024
2938	714
2940	1389
2941	713
2942	429
2943	1065
2944	1232
2946	965
2948	1145
2949	1260
2954	1234
2957	712
2958	430
2959	718
2960	1632
2973	842
2976	1291
2978	1128
2980	756
2984	1505
2987	1380
2988	1295
2989	964
2992	717
2993	1512
2994	1399
2995	1023
2997	1457
3000	981
3003	1178
3004	643
3006	410
3007	1292
3010	1126
3011	1568
3014	509
3019	1507
3021	1120
3022	354
3023	1250
3024	1154
3025	1214
3026	832
3027	1215
3029	663
3030	315
3032	841
3033	716
3034	564
3035	844
3037	996
3038	918
3039	1420
3040	990
3044	1625
3047	840
3048	1275
3049	644
3050	482
3051	1370
3053	975
3055	1081
3059	755
3067	378
3074	901
3077	765
3079	1020
3082	645
3084	1372
3087	495
3088	1030
3089	1463
3091	247
3100	342
3102	647
3103	1029
3107	565
3110	566
3113	271
3114	664
3116	1247
3121	431
3122	883
3124	567
3127	568
3128	947
3132	1484
3133	1117
3136	816
3141	1121
3142	941
3143	980
3145	392
3149	766
3150	748
3151	835
3152	747
3153	999
3154	1075
3155	1351
3158	827
3160	962
3161	1155
3162	1431
3163	1434
3164	1433
3165	1432
3166	1429
3169	432
3172	1115
3173	833
3175	746
3179	1391
3185	1069
3186	1554
3189	534
3190	1105
3191	1321
3192	1050
3193	1366
3194	1559
3195	1589
3197	1474
3198	1122
3200	1026
3201	493
3202	1636
3203	238
3204	1203
3208	1156
3211	508
3214	569
3216	948
3217	1042
3218	758
3219	1459
3222	648
3229	961
3230	1053
3231	831
3237	1361
3242	1253
3246	744
3247	743
3248	1043
3253	1388
3255	1582
3257	1357
3261	1578
3262	971

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3266	1528	3380	1405	3499	991
3267	742	3381	1325	3500	575
3270	974	3382	1465	3502	920
3271	1089	3383	332	3504	770
3274	1059	3384	1326	3505	1206
3276	1353	3386	572	3507	320
3277	741	3388	650	3509	514
3280	1596	3392	1056	3510	390
3281	535	3393	268	3511	1408
3285	872	3396	250	3513	357
3286	820	3397	1640	3514	511
3287	345	3399	513	3518	576
3294	1545	3401	465	3519	919
3295	1343	3403	762	3520	1318
3296	1058	3405	1339	3522	1183
3297	1464	3406	536	3529	655
3298	1204	3416	955	3531	968
3299	1609	3418	651	3533	1131
3302	1468	3421	433	3536	358
3308	915	3422	1328	3539	300
3310	1324	3424	1329	3540	255
3313	1270	3425	1248	3541	754
3314	1404	3426	558	3544	434
3318	1585	3431	289	3545	435
3319	885	3432	436	3547	510
3320	1216	3433	1488	3548	539
3321	938	3435	537	3550	486
3322	1544	3437	538	3552	488
3323	916	3439	391	3554	468
3325	1245	3449	1209	3558	967
3327	768	3450	547	3559	771
3330	649	3451	763	3560	385
3332	1382	3453	1495	3561	381
3333	985	3454	1598	3563	772
3334	1312	3455	652	3564	1451
3335	1207	3457	573	3567	773
3336	1057	3458	1113	3569	359
3337	1211	3459	764	3571	304
3338	1135	3461	1074	3572	774
3339	570	3462	814	3573	1564
3341	1533	3465	356	3576	272
3347	1212	3469	1196	3579	736
3348	1340	3473	653	3582	503
3350	702	3475	728	3583	577
3354	1273	3477	1515	3584	656
3355	828	3478	769	3585	249
3358	646	3479	512	3586	521
3359	355	3480	329	3589	1579
3360	1608	3483	574	3592	1040
3361	973	3484	1262	3593	1444
3363	1191	3487	862	3594	541
3369	761	3488	1177	3596	559
3372	571	3489	1522	3598	735
3373	667	3490	1595	3599	437
3374	248	3491	867	3604	1007
3375	914	3493	1478	3605	1254
3376	1284	3495	1476	3607	578

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3610	1019
3611	292
3612	1199
3618	560
3621	360
3628	657
3634	361
3635	362
3636	1033
3637	291
3639	254
3640	777
3641	438
3642	1446
3643	540
3645	1494
3647	1553
3648	966
3650	439
3651	520
3652	1149
3653	365
3655	367
3657	440
3659	1052
3660	477
3663	579
3664	363
3666	886
3668	1614
3669	1205
3670	1271
3672	1150
3674	441
3676	442
3683	463
3685	679
3688	273
3689	1400
3694	658
3696	1252
3698	1189
3701	1447
3703	1355
3705	443
3706	190
3710	1539
3717	1475
3721	444
3723	561
3726	1018
3727	1306
3733	659
3735	489
3737	1310
3739	1436
3742	660
3743	654
3747	739
3748	1331
3749	1314
3750	389
3752	1333
3753	290
3754	445
3757	1526
3760	364
3761	384
3763	1587
3764	945
3770	1151
3773	1538
3776	1144
3777	1562
3778	1580
3783	1592
3784	1402
3786	1547
3787	759
3788	1552
3793	469
3799	873
3802	1520
3803	1152
3804	988
3805	989
3806	1110
3807	848
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12	305	537	839	982	91
14	978	549	58	987	30
18	446	550	1619	1007	1109
33	892	551	1223	1025	1588
46	330	561	142	1026	860
47	1165	573	241	1030	859
51	1282	580	1108	1031	1335
61	1368	583	1246	1039	278
70	141	595	1461	1051	198
77	1452	600	174	1065	946
81	400	604	126	1089	145
82	1631	614	912	1096	1617
90	734	643	856	1108	1426
95	90	649	1087	1109	226
105	1088	656	1167	1116	277
118	1423	658	1356	1118	368
133	935	673	1210	1150	600
137	200	683	1225	1154	146
196	39	701	1523	1167	622
200	1297	703	447	1178	242
203	150	705	1164	1185	151
211	1200	708	128	1194	102
213	501	716	936	1195	1469
221	929	721	1493	1209	923
233	118	734	752	1213	52
235	225	745	1337	1232	815
247	1281	754	153	1240	176
251	1293	764	175	1241	738
267	1624	782	184	1242	177
294	917	791	751	1244	119
297	1492	818	472	1249	1327
302	172	834	204	1250	865
307	680	838	750	1252	301
320	502	845	1289	1253	152
324	483	850	478	1264	858
336	65	856	1561	1272	1012
341	1278	858	930	1273	66
342	224	873	1068	1276	887
350	1166	884	740	1280	1363
358	1498	888	1527	1281	202
359	32	893	399	1283	448
386	866	902	1283	1284	1294
398	500	910	34	1286	1286
417	143	913	209	1287	931
419	144	925	31	1288	138
420	201	926	1509	1289	1574
424	196	929	208	1292	1222
449	1621	934	97	1293	1168
460	275	940	1379	1294	1350
465	1556	943	854	1295	178
474	498	949	1373	1296	623
482	1425	955	199	1297	1038
483	776	961	303	1298	928
505	1627	965	1532	1299	1303

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1301	449
1304	450
1305	599
1307	1062
1309	223
1310	672
1311	331
1314	701
1317	261
1318	451
1321	673
1324	1458
1326	327
1327	857
1328	778
1330	522
1331	262
1332	189
1333	610
1334	874
1335	321
1337	1276
1340	243
1341	1169
1342	949
1343	1395
1344	263
1345	1201
1346	1369
1347	120
1351	1287
1353	603
1355	1308
1358	210
1361	276
1364	595
1365	542
1366	371
1367	913
1368	78
1372	452
1373	611
1374	1600
1376	580
1377	861
1379	846
1382	602
1385	318
1387	1470
1388	1317
1389	1349
1392	847
1394	729
1395	1239
1398	1208
1399	1067
1401	1501
1405	853
1406	1127
1408	783
1409	1285
1415	1176
1416	1229
1417	1575
1419	1572
1420	1322
1421	222
1422	767
1423	894
1425	1228
1427	879
1428	264
1429	1569
1430	581
1432	265
1434	366
1437	236
1444	1175
1445	1086
1447	453
1453	1635
1455	1129
1456	1383
1458	880
1460	612
1462	372
1463	1437
1464	1147
1466	490
1470	785
1471	934
1473	864
1474	1055
1475	316
1476	1008
1477	1638
1478	613
1479	683
1480	317
1481	594
1482	1060
1483	543
1484	855
1486	1186
1488	875
1489	614
1491	818
1492	203
1493	237
1499	1118
1502	1190
1504	1188
1505	1342
1509	786
1510	1307
1511	484
1512	1174
1514	972
1516	1009
1521	960
1522	787
1523	1347
1526	1605
1527	1080
1528	871
1529	788
1531	1085
1532	1031
1534	1440
1535	1593
1536	1629
1537	1226
1538	789
1543	782
1546	959
1547	1566
1548	884
1550	790
1553	791
1555	792
1556	1615
1557	793
1558	601
1561	1641
1562	1606
1563	615
1564	1221
1565	794
1566	781
1568	668
1569	333
1570	817
1573	1078
1574	1549
1579	1220
1580	891
1582	1231
1583	624
1585	958
1586	957
1589	319
1593	907
1595	1613
1596	1323
1599	669
1601	1338
1603	1618
1604	830
1609	1548
1611	674
1612	618
1613	1139
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1619	1531	1767	607	1904	670
1620	1235	1773	940	1906	1039
1622	908	1779	606	1907	675
1627	1230	1780	1236	1909	1162
1631	1179	1782	454	1911	676
1632	1487	1784	952	1913	544
1633	939	1785	1467	1916	806
1634	933	1786	1449	1917	1486
1635	889	1787	821	1919	545
1636	1095	1788	890	1920	1607
1637	796	1790	1354	1921	334
1638	986	1791	1633	1922	1137
1645	1185	1795	336	1924	979
1649	1496	1796	582	1925	807
1651	1092	1799	324	1928	876
1655	1599	1808	1249	1930	1455
1656	1084	1810	800	1935	1136
1657	797	1814	1577	1937	1319
1659	1626	1815	583	1938	1320
1662	1500	1816	825	1941	1506
1665	1417	1817	904	1943	1416
1666	1358	1818	677	1945	619
1669	798	1820	1581	1946	474
1671	1534	1821	1576	1948	808
1674	932	1823	1374	1949	374
1678	1309	1827	1497	1953	878
1679	1037	1828	823	1956	809
1680	987	1833	1570	1958	337
1683	897	1834	1313	1959	457
1686	824	1835	1116	1965	881
1690	819	1839	801	1967	617
1692	302	1844	1643	1968	458
1698	1119	1845	802	1969	1546
1699	1265	1848	905	1970	1516
1705	616	1849	604	1971	1159
1707	902	1851	1352	1972	1034
1708	1266	1856	1622	1973	1237
1710	903	1857	1114	1974	460
1711	799	1858	1479	1975	956
1720	1267	1862	1450	1978	1513
1721	608	1870	1243	1979	341
1723	1419	1874	1054	1981	984
1725	1010	1878	1035	1989	464
1729	1630	1882	1091	1990	459
1730	605	1883	1305	1991	1224
1734	1242	1885	803	2001	1439
1736	1141	1888	906	2002	1394
1740	910	1890	1032	2004	810
1743	671	1891	626	2011	1438
1744	625	1892	455	2012	1594
1755	1332	1893	804	2013	620
1757	1517	1896	306	2021	1090
1758	898	1897	179	2022	811
1759	1601	1898	1138	2023	1550
1762	1620	1899	456	2024	1066
1763	1448	1901	335	2025	812
1764	1160	1902	475	2030	813

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2034	909	2046	963	2062	480
2035	893	2047	1238	2063	621
2038	1381	2051	1637	2064	970
2041	784	2052	1257	2066	1140
2042	1021	2056	1005	2086	760
2043	969	2058	466	2088	921

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ACA	Resolution Chapter	ACA	Resolution Chapter	ACA	Resolution Chapter
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14	6	53	49	74	181

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ACR	Resolution Chapter	ACR	Resolution Chapter	ACR	Resolution Chapter
19	30	93	32	131	112
22	14	94	45	133	63
34	2	95	86	134	85
62	26	96	134	135	162
63	27	97	93	136	113
67	159	103	94	138	64
69	31	104	160	139	163
71	91	106	50	140	68
73	4	108	161	141	182
74	82	109	110	142	121
75	28	112	119	143	164
76	18	114	70	144	79
77	24	116	135	145	138
78	99	117	136	146	165
81	23	118	29	148	84
83	7	121	34	150	166
85	83	122	120	152	122
86	92	123	111	153	167
89	100	124	39	154	168
91	101	128	40		
92	25	129	137		

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AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
12	9	79	95	105	130
41	11	80	140	106	69
43	12	81	35	107	183
50	51	82	74	109	80
52	3	83	16	110	173
55	65	84	17	111	141
57	52	85	19	112	131
60	102	86	124	113	132
63	44	87	96	116	142
64	56	88	75	117	143
65	123	89	125	119	174
66	1	90	126	120	144
68	73	93	172	125	133
69	169	94	72	127	175
70	43	96	127	128	176
71	170	98	128	129	177
72	139	100	53		
76	171	103	129		
78	81	104	97		

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SCA	Resolution Chapter	SCA	Resolution Chapter	SCA	Resolution Chapter
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SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
30	98	52	146	69	107
33	158	53	10	70	117
38	36	55	8	73	78
39	37	58	22	75	178
44	87	59	116	78	58
45	21	60	104	81	59
46	114	61	105	83	62
47	88	62	106	84	157
48	145	64	147	86	148
49	103	66	48	87	149
50	47	68	57		

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SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
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165, 183, 479, 506, 749, 922, 999, 1106, 1436, 1592, 1640, 1738, 1889, 1933, 1995, 1998, 2033, 2057

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None

STATUTORY RECORD

Sections affected by statutes enacted at the 1981–82 First Extraordinary Session are included in the 1981–82 Statutory Record, beginning on page 675.

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Indexing entries for chapters and resolution chapters enacted at the 1981–82 First Extraordinary Session are included in the Index beginning on page 1299. The chapter or resolution chapter number is followed by (1X).