CALIFORNIA LEGISLATURE

1983–84 REGULAR SESSION
1983–84 FIRST EXTRAORDINARY SESSION

SUMMARY DIGEST

of

Statutes Enacted and Resolutions (Including Proposed Constitutional Amendments) Adopted in 1983

and

1979–1983 Statutory Record

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CONTENTS

Page

Preface iv

Abbreviations v

Effective Dates vi

Statute Digests

Regular Session 3

First Extraordinary Session 511

Resolution Digests

Regular Session 521

First Extraordinary Session 539

Cross Reference Tables (Chapter Number of Bills)

Regular Session

Assembly Bills 543

Senate Bills 548

Resolutions 552

Vetoed Bill List 554

First Extraordinary Session

Assembly Bills 557

Senate Bills 557

Resolutions 557

Vetoed Bill List 557

Statutory Record, 1979–83 ..... S-3

Resolution Chapters Affecting Those of Prior Years 1979–83 ..... S-715

Superior Footnotes S-717

New General Laws, 1979–1983 ..... S-727

Index 561

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 1983. 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 1979–1983, followed by a list of concurrent resolutions adopted in 1979–1983, which affect concurrent resolutions adopted in prior years, and lists of new general laws passed in the years 1979–1983 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 1983–84 Regular Session convened on December 6, 1982, and the interim recess commenced on September 19, 1983. Statutes enacted in 1983, other than those taking immediate effect, will become effective January 1, 1984. 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 1983–84 First Extraordinary Session convened on December 6, 1982, and adjourned sine die on July 19, 1983. The 91st day after adjournment is October 18, 1983.

DIGESTS OF STATUTES ENACTED IN 1983

1983–84 REGULAR SESSION

BILL CHAPTERS

Ch. 1 (SB 12) Davis. Election meetings.

Existing law provides for Republican county central committee meetings to be held on the first Monday after the first day in January following the direct primary.

This bill would allow for postponement of the meeting when it falls on the same date as inauguration events following the election of a new Governor.

The bill would take effect immediately as an urgency statute.

Ch. 2 (SB 70) Ellis. Republican Party.

(1) The statutes currently provide for the membership to the Republican State Central Committee. Those statutes provide for "nominee members" and state that if a person qualifies more than once to be a member that person shall be a member by virtue of the most recent qualification.

This bill would provide that if the person most recently nominated to the Senate, Assembly, or House of Representatives received less votes for the particular office at the ensuing General Election than a write-in candidate for the same office and the write-in candidate is elected to that office, the write-in candidate shall be considered a "holdover member", provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least 6 months prior to the General Election. It would, however, require the state central committee to designate the above-described party nominee as a "nominee member."

This bill would also provide that if a person qualifies more than once to be a member on the committee and one of the qualifications to the committee, which is not the most recent qualification, is by virtue of the person being a holdover member, that person shall be considered a holdover member.

(2) 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 provide that if the person who was most recently nominated to the Senate, Assembly, or House of Representatives received less votes for the particular office at the ensuing General Election than a write-in candidate for the same office and the write-in candidate is elected to that office, the write-in candidate shall be considered the ex officio member of each county committee, provided that the write-in candidate's affidavit of registration reflects that that candidate has been affiliated with the party for at least 6 months prior to the General Election. It would require each county committee to designate the above-described party nominee as an additional ex officio member.

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

Ch. 3 (SB 88) Robbins. Insurance.

Existing law specifies minimum paid-in capital requirements for certain incorporated admitted insurers Chapter 389 of the Statutes of 1982, which will become operative on January 1, 1983, increased those minimum paid-in capital requirements, and specified that certain provisions shall be effective only with respect to the issuance of an initial certificate of authority on or after January 1, 1982, and that insurers admitted on December 31, 1981, shall be governed by provisions in effect on that date.

This bill would also provide that an insurer which was issued a permit prior to July 7, 1982, authorizing the organization of the insurer and which was admitted before January 1, 1983, shall be governed by specified provisions in effect on December 31, 1981.

The bill would take effect immediately as an urgency statute.

Ch. 4 (SB 119) Presley. Fiscal affairs.

(1) This bill would state the intent of the Legislature to make in this bill certain changes in the law necessary to implement the Budget Act of 1982 for specified reasons.

(2) Chapter 327 of the Statutes of 1982 requires the Alcoholic Beverage Control Appeals Board to establish fees for the filing of an appeal to the board which are sufficient in amount to pay the costs of the board in carrying out specified duties.

This bill would eliminate this requirement and substitute a requirement that the board establish a surcharge, as specified, applicable to licensees under the Alcoholic Beverage Control Act.

(3) The bill would require fees collected pursuant to Chapter 327 to be returned to

appellants, as specified, thus making an appropriation.

(4) The bill would provide for severability of any invalid provisions.

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

Ch. 5 (AB 110) Katz. Hazardous Substance Account: tax.

(1) 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. Existing law also subjects hazardous wastes disposed of into an injection well, as defined, during the 1981 calendar year, to a tax rate not exceeding 26.4% of the base tax rate calculated pursuant to specified provisions.

This bill would additionally require those persons submitting for disposal, or disposing of, hazardous waste to report to the board the total amount of hazardous waste disposed of into an injection well or a landfarm, and would also make conforming changes. The bill would define "landfarm" as a waste management technique conducted within a facility which has received a hazardous waste facility permit from the State Department of Health Services or has obtained interim status pursuant to either specified state or federal laws. The bill also would specify the processes and characteristics of landfarming.

(2) Existing law requires the State Department of Health Services to report to the Legislature, by July 1, 1982, the sites upon which funds are proposed to be expended during the 1982–83 fiscal year and permits the department to expend remedial action funds only on those listed sites.

This bill would instead require the department to provide a report to the Legislature, by October 1 of each fiscal year, containing specified information concerning remedial action funding, and the obtaining of federal funds and funds from potentially responsible parties.

(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 impose a state-mandated local program by requiring any city, county, or district which disposes of hazardous waste to additionally report to the board the amount of this waste disposed of into an injection well.

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

Ch. 6 (AB 29) McAlister. Minors.

Generally speaking, a minor may disaffirm his or her contracts, except as otherwise specified by statute. Moreover, both case law and existing statutes provide that a minor who is emancipated, as defined, is considered as being over the age of majority for certain purposes.

This bill revises and expands the specified purposes for which an emancipated minor is considered as being over the age of majority.

It also would delete the requirement of existing law that a parent or guardian must have consented to the establishment of a minor's credit union share or certificate for funds account as a condition for payment to the minor Further, it also would specify that a share or certificate for funds and all dividends and interest thereon may be paid to a minor joint tenant.

Ch. 7 (AB 141) Bergeson. Community colleges credit course fees.

(1) Current law permits the governing board of a community college district to charge fees for community services classes.

The bill would permit community colleges to grant credit for any course or program offered as a noncredit or community service class requiring a fee in the 1982–83 fiscal year, if that course or program has maintained the academic standards required for

credit courses, had been offered for credit during the 1981–82 fiscal year, and is no longer state funded in the 1982–83 fiscal year. This provision would be operative only in the 1982–83 fiscal year and would state that it is not intended to establish a state policy that fees be charged for credit classes

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

Ch. 8 (SB 51) Presley. Improvement acts.

(1) Existing provisions of the Improvement Bond Act of 1915 require the auditor of a city or county to keep a list of unpaid assessments and authorize collection of an additional amount up to 1% of each unpaid installment for expenses incurred in collection.

This bill would instead authorize collection of an additional amount up to 5% of each unpaid installment for expenses incurred in collection, except that the amount added to each installment for any lot or parcel of land may not exceed $3. The expenses of collection would include necessary administrative costs of the city or county in providing the auditor with current information regarding the ownership of land.

(2) Existing provisions of the Municipal Improvement Act of 1913 authorize the legislative body of a city or county, after notice and hearing, to establish assessment districts to fund improvements under the act.

This bill would authorize any legislative body of a city or county which has entered into an agreement to refund or reimburse landowners who construct or acquire water system facilities for supplying a domestic water system or sewer system facilities, or to increase capacity in those facilities, to form an assessment district, levy assessments, and issue bonds therefor upon obtaining the written consent of the landowners.

Ch. 9 (SB 95) Marks. Validations.

This bill would enact the First Validating Act of 1983, 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. 10 (AB 394) Felando Commercial fishing.

(1) Under existing law, with a specified exception, sardines may not be taken or possessed on any boat, barge, or vessel. However, loads or lots of fish may contain 15% or less by weight of sardines, incidentally taken and which are mixed with the other fish in the load or lot.

This bill would, until July 1, 1985, increase or decrease the percentage of sardines that may be incidentally taken through the application of a specified formula based on the incidental take of sardines in the entire mackerel fishery. The Department of Fish and Game would be required to inform the Fish and Game Commission of any change in the status of the tolerance for incidentally taken sardines, and would also be required to notify fishermen of the status of the tolerance by a specified radio broadcast. The commission would be required to hold public hearings to consider the implementation of this section, would be required to report annually to the Legislature on the status of the sardine resource, and would be authorized to make recommendations to the Legislature on these provisions or on their implementation.

(2) Under existing law, the department is required to issue a commercial salmon vessel permit to a person who possessed a commercial salmon permit prior to August 11, 1982, and who has met other specified requirements Under former law, any person authorized to fish for salmon commercially in another state was authorized to fish in this state if this state's fishermen, who had a commercial salmon permit, were allowed to fish in that state.

This bill would provide that the term "commercial salmon permit" does not include a permit issued to a person solely under the former law relating to out-of-state salmon fishermen.

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

Ch 11 (SB 21) Presley. Coroners. corneal tissue.

Existing law provides that a coroner may retain tissues of the body removed during an autopsy and submit such tissues to hospitals, medical educational research institutions

and law enforcement agencies for training, educational, and research purposes.

Existing law also provides that a coroner may allow removal of parts of a body for transplant, or therapeutic, or scientific purposes, in accordance with the Uniform Anatomical Gift Act, which requires the consent of the decedent or other specified person.

This bill would authorize the coroner, in the course of an autopsy and notwithstanding any other law, to remove and release corneal eye tissue from a body within the coroner's custody, if specified conditions are met.

The bill would exempt the coroner or medical examiner authorizing the removal of corneal tissue in such cases, and any hospital, medical center, tissue bank, storage facility, or person acting upon the request, order, or direction of the coroner or medical examiner, from civil liability in an action brought by any person who did not object prior to the removal of the corneal tissue, and would exempt such persons and entities from criminal liability for the removal of corneal tissue in such cases.

Ch. 12 (SB 14) Lockyer. Public social services.

Existing law provides for a state job training council, as defined, having 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.

This bill would revise the size and membership of the council, provide for the designation of local service delivery areas, render the actions of the council expressly subject to approval by the Governor, and specify that the council is intended to oversee, rather than directly operate, the employment and training of California workers.

This bill would add to the stated purposes of the council compliance with requirements of federal law under the Job Training Partnership Act of 1982.

The bill would take effect immediately as an urgency statute.

Ch. 13 (SB 305) Seymour. Housing.

(a) Existing law continuously appropriates moneys from the Rental Housing Construction Incentive Fund and the Homeownership Assistance Fund to the Department of Housing and Community Development to, among other things, provide financial assistance for households displaced as a result of the Anaheim fire to purchase condominium or stock coopertive units. Not more than a specified amount of such funds may be expended for such purposes and are required to be encumbered by June 28, 1983.

This bill would include planned development units within this authorization. Since the bill would expand the type of units for which a specified amount of an appropriation may be expended, this bill would make an appropriation.

(b) Existing law continuously appropriates moneys from the Homeownership Assistance Fund to the department to, among other things, provide specific financial assistance to enable households residing in rental housing, or a mobilehome park in which such households rent space to acquire their unit or another unit or space or share in a stock cooperative in the same rental housing development or mobilehome park, where the unit or space is to be converted to condominium or stock cooperative ownership.

This bill would also authorize such assistance where the unit or space is to be converted to a planned development unit. Since the bill would expand the type of units for which an appropriation may be expended, this bill would make an appropriation.

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

Ch. 14 (SB 84) Presley. Coroners: fee for expenses.

Under existing law, when the coroner is required or authorized to take custody of a dead body, the cost of removing the body from the place of death and keeping it until released to the person responsible for its interment, is an expense of the county

This bill would, with specified limitations, authorize the coroner, pursuant to a county ordinance, to charge and collect such expense, up to $100, from the person entitled to control the disposition of the body, and, if not paid, would allow the charge to be paid as a preferred charge against the estate of the decedent

Ch. 15 (SB 91) Presley. Tax preparers.

Existing law, effective January 1, 1983, provides generally for the licensing and regulation of tax preparers under the Tax Preparers Act. However, specified persons are exempted from those provisions, including members of the State Bar of California, persons regulated by the State Board of Accountancy, employees of specified trust companies or trust businesses, persons enrolled to practice before the Internal Revenue Service pursuant to federal law, and persons authorized to make loans pursuant to specified provisions of state law.

This bill would include within the exemption from the Tax Preparers Act employees of members of the State Bar, employees of persons regulated by the State Board of Accountancy, employees of specified trust companies or trust businesses, employees of persons enrolled or authorized to practice before the Internal Revenue Service, as specified, and employees of persons authorized to make loans pursuant to specified provisions of state law while functioning within the scope of their respective employment.

Existing law, effective January 1, 1983, appropriated $250,000 from the General Fund to the Tax Preparers Fund to be repaid, as specified.

This bill would reduce that appropriation to $40,000.

Existing law provides generally that on or after January 31, 1983, it shall be unlawful for any person to be a tax preparer unless he or she is registered in accordance with the Tax Preparers Act. Violators of this provision are guilty of a misdemeanor, which is punishable by a fine or imprisonment, or both, as specified.

This bill would provide, instead, that (1) on and after April 16, 1983, it shall be unlawful for any person to be a tax preparer or tax interviewer associated with a tax preparer unless the tax preparer submits a bond, a letter of intent, and a fee, as specified; and (2) on and after November 1, 1983, it shall be unlawful for any person to be a tax preparer or tax interviewer unless he or she is properly registered.

Existing law provides for the Tax Preparers Fund in the State Treasury, which fund is continuously appropriated for the administration of laws relative to tax preparers under the Tax Preparers Act.

This bill would authorize the collection of a new fee, as specified, which fee would be a new source of revenue to the continuously appropriated 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.

This bill would impose a new program or higher level of service upon local governments by expanding the scope of existing penal provisions relating to registration

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. 16 (AB 317) Johnston. Regional occupational centers: funding

(1) The Budget Act of 1982 requires the Superintendent of Public Instruction to allocate a specified amount per unit of average daily attendance to regional occupational centers and programs which have below average participation rates, provided that, among other things, the superintendent certifies for apportionment to regional occupational centers and programs with below average participation rates, $1,500,000 of the amount provided for the purposes of claims by regional occupational centers and programs.

This bill would require the superintendent to make the allocation to those regional occupational centers and programs provided that, among other things, the superintendent certifies for apportionment to regional occupational centers and programs with below average participation rates, up to $1,500,000 of the amount provided for the purposes of claims by regional occupational centers and programs.

(2) The Budget Act of 1982 specifies that if the amount claimed for apportionment to regional occupational centers and programs is greater than the amount appropriated for those claims, the amount allocated to certain claims shall be reduced, except as specified.

This bill would provide a formula to be used to compute the reduction in allocations to regional occupational centers and programs, based on an allowable growth factor for

each district, county, office, or joint powers agency operating regional occupational centers and programs in the event the amount claimed for apportionment is greater than the amount appropriated for those claims.

This bill would take effect immediately as an urgency statute.

Ch. 17 (AB 28) McAlister. Disclaimer of testamentary and other interests.

Existing law permits the recipient of an interest under a will, by intestate succession, or other means, to disclaim any interest, in whole or in part, by filing a disclaimer, as specified.

This bill would revise existing provisions of law relating to disclaimers and would, among other things:

(1) Provide that a qualified disclaimer under specified provisions of federal law is also valid pursuant to California law.

(2) Provide that a disclaimer is not a fraudulent conveyance as against creditors of the person disclaiming.

(3) Revise requirements for filing disclaimers.

(4) Specify that normal disclaimer rules are inapplicable to a devise conditioned on survival.

(5) Delete provisions of existing law authorizing common law disclaimers.

This bill would become operative only if AB 24 is chaptered and, in that event, would become operative on January 1, 1984, the same as AB 24.

Ch. 18 (AB 31) McAlister. Bonds and undertakings.

Chapter 998 of the Statutes of 1982 enacted the Bond and Undertaking Law. Chapter 517 of the Statutes of 1982 enacted provisions to conform to that law.

This bill would make conforming changes in provisions of existing law for purposes of the Bond and Undertaking Law.

The bill would also take effect immediately as an urgency statute.

Ch. 19 (AB 354) Vasconcellos. Appropriation. Budget Act augmentation: contingencies or emergencies.

The Budget Act of 1982 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 $794,750,000† , as allocated, in augmentation of those appropriations.

The bill would authorize the Director of Finance to withhold authorization for the expenditure of funds so provided until preliminary estimates of potential deficiencies are verified. The Director of Finance would be required to report bimonthly to the chairperson of the Joint Legislative Budget Committee on the status of the Department of Finance's verification of deficiencies and allocation of funds pursuant thereto.

The bill would take effect immediately as a statute providing an appropriation for the usual current expenses of the state.

Ch. 20 (AB 254) Klehs. Schools: Castro Valley 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.

Under existing law, generally, whenever a school district acquires property under the State School Building Aid Law and within 5 years thereafter sells, leases, exchanges, or otherwise disposes of the property without the consent of the State Allocation Board, the board may demand the return of the state apportionment plus accrued interest.

This bill would, notwithstanding the provisions of existing law, authorize the Castro Valley Unifed School District, subject to a maximum limit of $500,000, to deposit the

† Appropriation in subdivision (a) of Section 1 of chapter reduced to $431,500,000 by action of the Governor

proceeds of the sale of district surplus property in the general fund of the district in the 1982–83 school year for any general fund purposes.

This bill would also require that money transferred pursuant to this authorization be repaid to the State Allocation Board over a one-year period to the extent of any claim the board may have regarding property in which the board has an interest.

This bill would take effect immediately as an urgency statute.

Ch. 21 (SB 31) Robbins. Mutual insurers.

Existing law provides that the presence in person or by proxy of 5% of the members of a general mutual insurer entitled to vote at any meeting shall constitute a quorum for the transaction of all business of the insurer, as specified.

This bill would make that provision applicable with respect to domestic mutual insurers rather than general mutual insurers.

The bill would also take effect immediately as an urgency statute.

Ch. 22 (SB 104) Davis. Juvenile court law.

Under existing law, certain offenses committed when a person was under the age of 18 may be heard by a juvenile court traffic hearing officer.

This bill would also authorize specified offenses involving acts committed by a minor on or in a facility or vehicle of a public transportation system to be so heard.

It also would allow a juvenile traffic hearing officer to order such a minor who admits the commission of or is found to have committed the alleged act, to perform community service, as specified.

Ch. 23 (SB 157) Mello. County contracts.

(1) Existing law provides that a county board of supervisors may, by a four-fifths vote, enter into leases, or concession or managerial contracts involving leasing or subleasing all or any part of county-owned, leased, or managed property devoted to or held for use for various specified purposes, including, among other things, airport, parking, amusement, or employee cafeteria purposes without complying with competitive bidding and other specified requirements.

This bill would, in addition, permit the County of Monterey to enter into those contracts involving leasing or subleasing all or any part of county-owned, leased, or managed property devoted to or held for ultimate use for juvenile placement purposes without complying with competitive bidding and other specified requirements.

(2) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 24 (SB 171) Maddy. Consumer finance lenders.

Existing law specifies the alternative maximum charges which a consumer finance lender or broker may contract for or receive in connection with a loan. In order to facilitate an evaluation of the adequacy of the discount rate index and differential utilized in the formula to determine this alternative maximum charge, the provisions for a rate based on this index would be repealed as of January 1, 1984.

This bill would eliminate the repeal of the provisions utilizing the discount rate index and differential in determining these alternative maximum loan charges.

Existing law authorizes a consumer finance lender or broker to contract for and receive an acquisition fee, in addition to loan charges. The provisions authorizing the receipt of such acquisition fees would be repealed as of January 1, 1984.

This bill would eliminate the repeal of these provisions.

Ch. 25 (AB 156) Papan. Public resources.

Existing law contains various provisions relating to endangered species. Existing law does not, however, specifically authorize the Department of Parks and Recreation to grant easements on lands owned by the state for the protection of endangered species.

This bill would validate a specified agreement with respect to the San Bruno Mountain Area Habitat Conservation Plan entered into by the Departments of Parks and Recreation and Fish and Game and various other public and private persons and entities and other agreements entered into pursuant thereto, including an agreement to restrict the use of land and easements for enforcement on lands in the habitat owned by the state and by the County of San Mateo for the protection and conservation of endangered species and other species of concern.

The bill would take effect immediately as an urgency statute.

Ch. 26 (AB 391) Robinson. Savings and loan associations.

Existing law provides that a savings and loan association with shares but no stock outstanding may, with the approval of the Savings and Loan Commissioner, amend its articles of incorporation to authorize the issuance of stock. Any amendment to the articles of incorporation and bylaws of an association which for the first time authorizes it to issue stock is required to be approved by the vote or written assent of the holders of two-thirds in value of its outstanding shares.

This bill would provide that such amendments require the vote or written assent of the holders of a majority in value of the outstanding shares of an association.

Existing law prohibits a savings and loan association which has shares but no stock outstanding from issuing stock unless it gives its shareholders, for at least 60 days, the prior right to subscribe to stock to be initially issued in the same proportions that the value of their respective shares bears to the aggregate value of all shares of the association, with certain provisions for fractional shares of stock.

This bill would eliminate this prohibition upon the issuance of stock.

This bill would take effect immediately as an urgency statute.

Ch. 27 (AB 498) Cortese. Local agency formation commissions: spheres of influence.

Existing law requires the local agency formation commission of each county to develop and adopt a "sphere of influence," as defined, for each local governmental agency within the county, to be used by the commission in making decisions on proposals over which it has jurisdiction. The existing law does not specify any particular time by which local agency formation commissions must adopt the required spheres of influence, but existing case law holds that local agency formation commissions must already have done so.

This bill would specify January 1, 1985, as the time by which local agency formation commissions must adopt spheres of influence for each local governmental agency within its jurisdiction, but would authorize a commission to review, approve, conditionally approve, or disapprove proposals until January 1, 1985, without having adopted applicable spheres of influence, if the commission makes specified findings concerning the effect on agricultural preserves in the area.

The bill would validate specified actions of local agency formation commissions which were taken prior to adoption and without consideration of required spheres of influence, if such action occurred prior to the effective date of the bill's enactment.

The bill would take effect immediately as an urgency statute.

Ch. 28 (AB 530) Davis. Rewards

Under existing law, the Governor may offer a reward of not more than $10,000 payable from the General Fund, for information leading to the arrest and conviction of persons who have committed any of specified offenses including a crime involving the burning or bombing of public property

This bill would additionally permit the Governor to offer a reward for information leading to the arrest and conviction of any person who has committed a crime involving the burning or bombing of any public hospital housed in a privately owned facility or private hospital. The reward with respect to the burning or bombing of a private hospital could be offered only if a reward is offered by the hospital or other donors, as specified. An informant, with regard to the burning or bombing of a private hospital, could request that his or her name and address remain confidential

This bill would take effect immediately as an urgency statute

Ch. 29 (AB 242) Frazee. Probate. partial distribution.

Existing law authorizes partial distribution of an estate by an administrator or executor to whom authority has been granted to administer an estate without court supervision pursuant to petition, as specified, but does not specifically provide for the clerk to ~~set the petition for hearing and~~* give notice thereof.

This bill would specify that the clerk, upon the filing of such a petition, shall ~~set the petition for hearing, and~~* give notice as specified.

The bill would take effect immediately as an urgency statute

Ch. 30 (AB 987) Bane Merger.

Under the existing General Corporation Law, certain requirements apply with respect to the conversion of nonredeemable common shares of a constituent corporation where there is a merger of 2 or more corporations into one corporation.

This bill would specify that these requirements do not apply to any transaction if the Savings and Loan Commissioner approves the terms and conditions of the transaction and the fairness of the terms and conditions, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 31 (AB 1048) Bader. Law libraries. construction.

Existing law provides that a library building erected to house a law library may include not more than 4 courtrooms. It does not specifically authorize a board of law library trustees to enter into a joint exercise of powers agreement with a county for the purpose of constructing a building or buildings to house a law library and court or county facilities, without limit on the number of courtrooms the building contains, and to lease the space required for law library purposes.

This bill would specifically authorize such a joint powers agreement.

The bill would take effect immediately as an urgency statute.

Ch. 32 (AB 297) Vicencia Industrial loan companies.

Existing law requires an industrial loan company, other than a premium finance agency, which has issued and has outstanding thrift obligations, to participate as a member of the Guaranty Corporation as a condition of that company's authority to conduct business.

This bill would exempt those industrial loan companies which have outstanding thrift obligations which are insured or guaranteed by an instrumentality of the United States government from that requirement.

Ch. 33 (AB 380) Lancaster. Automobile Sales Finance Act. insurance.

Existing law, the Automobile Sales Finance Act, provides that if a buyer is obligated under the terms of the conditional sale contract to maintain insurance on a vehicle and subsequent to the execution of the contract the buyer either fails to maintain or requests the holder to procure such insurance, any amounts advanced by the holder to procure such insurance may be the subject of finance charges from the date of the advance, as specified The amounts are required to be secured as provided in the contract and as permitted by law if the holder notifies the buyer in writing of his or her option to repay the amounts in specified ways, including full amortization after the term of a conditional sales contract to be payable in installments which do not exceed the average payment allocable to a monthly period under a contract. The option is not applicable to any industrial loan company.

This bill would delete that option.

Existing law provides that if the buyer neither pays in full the amounts advanced nor notifies the holder in writing of his or her choice regarding amortization options before the expiration of 10 days from the date of giving or mailing notice by the holder, the holder is authorized to amortize the amounts advanced on a secured basis, as specified.

This bill would instead require the holder to amortize the amounts advanced on a secured basis, as specified.

Ch 34 (AB 708) Robinson. Settlement of claims

This bill would appropriate $3,482,192.02 from the Transportation Fund to the Board of Control to pay the settlement of separate, consolidated claims against the state arising from cases entitled Hodges v. State of California and Lemons v State of California, to be paid in certain specified amounts to the plaintiffs in each case.

This bill would take effect immediately as an urgency statute.

Ch 35 (AB 44) Farr State park system Big Sur Project acquisition appropriation

The Budget Act of 1982 appropriates $2,000,000 from the Parklands Fund of 1980 to the Department of Parks and Recreation for acquisitions for the Big Sur Project, subject to provisos that the acquisitions shall be for specified parcels and that the department

enter into an interagency agreement with the Department of General Services regarding acquisition expenses.

This bill would amend and supplement the Budget Act of 1982 to revise those parcel designations, limit the acquisitions of the parcels to willing sellers only, and delete the proviso requiring the interagency agreement, thereby making an appropriation. The bill would also make a nonsubstantive change by eliminating an inoperative proviso.

The bill would take effect immediately as an urgency statute.

Ch. 36 (AB 731) Floyd. Smelters and underground workings: working hours.

Existing law provides that the period of employment shall not exceed 8 hours within any 24 hours and the hours of employment shall be consecutive, excluding intermissions for meals, for all persons who are employed or engaged in work in underground mines, underground workings, smelters, and plants for the reduction or refining of ores or metals.

This bill would provide that these provisions would not prohibit a period of employment up to 12 hours within a 24-hour period when the employer and a labor organization representing employees of the employer have entered into a valid collective-bargaining agreement expressly providing for the wages, hours of work, and working conditions of the employees.

This bill would take effect immediately as an urgency statute.

Ch. 37 (SB 140) Boatwright. Air pollution: motor vehicle fuel.

Existing law requires the State Air Resources Board to establish, by regulation, specified maximum standards for the volatility of gasoline sold in California at 9 pounds per square inch Reid vapor pressure, except that any blend of gasoline consisting of at least 10% ethyl alcohol is exempt from the regulations until June 13, 1983, if the gasoline used in the blend meets the 9 pounds per square inch Reid vapor pressure standard.

This bill would extend the June 13, 1983, termination date for the exemption for a blend of gasoline consisting of at least 10% ethyl alcohol to January 1, 1987.

The bill would take effect immediately as an urgency statute.

Ch. 38 (AB 93) Harris. Emery Unified School District: funding.

Existing law prescribes numerous formulas for the allowance and apportionment of state funds to school districts.

This bill would appropriate a sum not to exceed $600,000 from the General Fund to the Superintendent of Public Instruction for allocation to the Emery Unified School District for the 1982–83 fiscal year for any purpose for which money in the district general fund may be used.

This bill would require the Superintendent of Public Instruction to review, as specified, certain reports submitted to the superintendent by the Emery Unified School District.

This bill would also require repayment of the money with interest, within a one-year period, from the proceeds of the sale of an elementary school site and would require notification and a request for a time extension, as specified, if the school site cannot be sold within the one-year period.

During this period of time, this bill would require the county superintendent of schools to monitor and review the financial plans of the district as developed by an independent auditor, and approve any budgetary changes that would increase the fiscal liabilities of the district.

This bill would take effect immediately as an urgency statute.

Ch. 39 (SB 13) Lockyer. Unemployment insurance: benefits.

Under a demonstration project authorized by existing law, an unemployed individual who has been laid off from work as a result of a plant closure or a substantial reduction in employment at the individual's most recent workplace at the time the individual filed a claim for unemployment insurance benefits, and who is receiving those benefits, is eligible for additional weeks of unemployment compensation benefits if the individual applies by December 31, 1982.

This bill would impose a state-mandated local program by extending the deadline for applying for these additional weeks of unemployment compensation benefits to December 31, 1983.

Existing law provides that the above demonstration project shall remain in effect only until a total of $8,000,000 is expended from the Unemployment Fund pursuant to the project or until July 1, 1984, whichever occurs first.

This bill would instead impose a state-mandated local program by providing that the demonstration project remain in effect until a total of $20,000,000 is expended from the Unemployment Fund pursuant to the project or until July 1, 1984, whichever occurs first.

Existing law provides the Director of Employment Development with a basis for determination of potential eligibility for certain unemployment insurance benefits.

This bill would include, for the determination of potential eligibility for these unemployment insurance benefits, individuals with mental or physical disabilities which prohibit them from utilizing existing occupational skills.

Existing law permits the Employment Training Panel to contract, for up to 18 months, with employers or training agencies.

This bill would permit contracts to be written for up to 24 months, but limit each trainee to no more than 18 months of employment training, and would prohibit the panel from spending more than 5% of the amount collected from employers for the Employment Training Fund on specified administrative costs, beginning in fiscal year 1983–84.

This bill would also specify certain duties of the panel and the director, and would provide that certain funds accrued in the fund are appropriated for allocation by the panel and the Employment Development Department for specified 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.

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 40 (AB 112) Kelley. Public resources.

(1) Under existing law, the State Water Resources Control Board consists of 5 members who are appointed by the Governor for 4-year terms, serve full time, and represent the state at large.

This bill would require the board, to the extent possible, to be composed of members from different regions of the state, and would delete obsolete provisions.

(2) Under existing law, appointments to the board are subject to confirmation by the Senate at the next regular or special session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made.

This bill would make the appointments subject to confirmation by the Senate in accordance with specified provisions governing, generally, appointments made by the Governor.

(3) Existing law does not provide interim authority or funding for interim flood management at Lake Elsinore.

This bill would provide interim authority for measures for the control and removal of floodwaters from Lake Elsinore, including Lake Elsinore State Recreation Area, until permanent flood control facilities are constructed at the lake and along Temescal Wash. The bill would designate the Department of Water Resources as the lead agency of the state for implementing the program to control and remove the floodwaters and the City of Lake Elisnore as responsible for the day-to-day operations. The program would be repealed on Janaury 1, 1988. The bill would reappropriate a specified appropriation of funds from the State Parks and Recreation Fund to the Department of Parks and Recreation for transfer to the Department of Water Resources for the program in the 1983 calendar year and would appropriate $250,000 from the State, Urban, and Coastal Park Fund for the program for the 1982–83 and 1983–84 fiscal years, subject to specified proviso The bill would also make legislative findings regarding the program.

(4) Under existing law, each report of a waste discharge filed with a regional water quality control board is required to be accompanied by a filing fee of not to exceed $10,000, according to a reasonable fee schedule established by the State Water Resources Control Board and calculated on a prescribed basis.

This bill would prohibit fees for market and manufacturing milk dairy farms or dairy feedlots from exceeding the fee charged to the facility when the inital report of proposed discharge was filed or a waiver was granted by the regional board plus an annual adjustment for inflation based on the consumer price index not to exceed 6% per year. The bill would require any fees previously collected in excess of that amount to be refunded to the discharger.

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

Ch. 41 (AB 256) Leonard. Big Bear City Community Services District and San Gorgonio Pass Water Agency.

(1) Under existing law, community services districts are generally authorized, with specified exceptions, 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 increase that limit, in the Big Bear City Community Services District only, to $40 per acre per year or $40 per year for a parcel less than an acre. The bill would provide that the proceeds from any standby assessment or availability charge in excess of $10 per year for each acre or $10 per year for a parcel less than one acre shall only be used for the purpose of financing the design and construction of municipal water system improvements within the district or retiring indebtedness incurred by the district for the financing of those improvements.

The bill would declare the necessity for the enactment of special legislation applicable only to the Big Bear City Community Services District.

(2) Existing law requires the directors elected at large by the voters of the San Gorgonio Pass Water Agency to be either an elector or the owner of real property in the agency.

This bill would delete the provision permitting those directors to be an owner of real property in the agency.

(3) Existing law provides that the board of directors of the San Gorgonio Pass Water Agency shall receive $20 for attendance at the meetings of the board.

This bill would provide that the members of the board of directors shall receive $20, or such other amount as the board shall establish, not to exceed $100, for attendance at the meetings of the board.

(4) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 42 (AB 127) Stirling. Local agencies joint exercise of powers: deferred compensation.

Existing law which authorizes "local agencies" to establish deferred compensation plans for their officers and employees, is not specifically applicable to a joint powers agency created by agreement of 2 or more local agencies to exercise powers common to the participating agencies

This bill would make those provisions authorizing the establishment of deferred compensation plans for officers and employees of local agencies expressly applicable to a joint powers agency created by agreement of 2 or more local agencies.

Ch. 43 (AB 216) Young. Southern California Rapid Transit District: contract service.

Under existing law, the Southern California Rapid Transit District may enter into agreements with a city, public agency, or public utility operating transit facilities for the joint use of property or the establishment of through routes, joint fares, transfer of passengers, or pooling arrangements, and the district may contract for the performance of service by any city or county the territory of which is wholly or partly within the district.

This bill would, in addition, allow the district to contract with a public utility operating transit facilities wholly or partly within the district for the performance of service

Ch. 44 (AB 235) Vicencia. Transportation: charter buses: olympics.

Under existing law, public transportation systems, including the Southern California Rapid Transit District, funded under the Mills-Alquist-Deddeh Act, which provide charter bus services are required to establish rates which, among other things, contribute financially to reduction of deficits on scheduled route service and at least equal the average of the 3 lowest current rates charged by private charter bus carriers for charters originating in the same service area of the system. The district, in operating charter bus service, is required to establish rate schedules which are not less than the average of the rates for the 3 largest private charter party carriers operating similar service in the district.

This bill would authorize the district to provide charter bus services which are incidental to the holding of the Olympic Games in Los Angeles and to establish rates, effective from May 1, 1984, to September 30, 1984, inclusive, which are sufficient to pay all fully allocated costs related to those services which are at least equal to the average of the 3 largest private charter party carriers operating similar service within Los Angeles County, and which contribute financially to the reduction of deficits incurred by the district in the operation of scheduled route service.

Ch 45 (AB 305) N. Waters. State Board of Fire Services.

Under existing law, as amended by Chapter 485 of the Statutes of 1982 (AB 2889), an ambiguity has been created in that a single statute refers to both 4 and 5 fire service labor representatives on the State Board of Fire Services.

This bill would make the statute refer uniformly to 5 fire service labor representatives on the State Board of Fire Services. The bill would also provide that the Chief of Fire Protection of the Department of Forestry, instead of the Director of Forestry, shall be a member of the board.

Ch. 46 (AB 336) Moorhead Gasoline taxes. refunds.

Under the Motor Vehicle Fuel License Tax Law, a tax is imposed on gasoline at the rate of 9¢ 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 would specify that this provision is declaratory of existing law.

Ch. 47 (AB 362) Johnston. Stockton Metropolitan Transit District: purchasing: competitive bidding

Under the Local Agency Public Construction Act, the Stockton Metropolitan Transit District is required to purchase all supplies, equipment, and materials by competitive bid when the expenditure required exceeds $3,000.

This bill would provide that the purchase of all supplies, equipment, and materials shall be by competitive bid when the required expenditure exceeds $15,000.

Ch 48 (AB 746) Campbell. Regional park, open space, and park and open space districts. general manager powers.

Under existing law, with the approval of the board of directors of a regional park, regional open space, or regional park and open space district, the general manager of the district may bind the district, without advertising and without written contract, for the payment for supplies, labor, or other valuable consideration in amounts not exceeding $5,000. Contracts for furnishing materials or supplies or for constructing any building, structure, or improvement when the expenditure will exceed $5,000 are required to be let to the lowest responsible bidder under specified bidding procedures.

This bill would recast those provisions and would authorize the general manager of the district, with the approval of the board of directors, to bind the district without advertising and without written contract (1) for supplies, materials, labor, or other valuable consideration for any purpose other than new construction of any building, structure, or improvement not in excess of $10,000 and (2) for supplies, materials, or labor for new construction of any building, structure, or improvement not in excess of $25,000 All contracts in excess of those amounts would be required to be let to the lowest responsible bidder under specified bidding procedures

Ch. 49 (SB 25) Petris. Appropriation. payment of claims.

This bill would appropriate $250,000 from the General Fund to the Controller to settle the claim of the plaintiff in the action of Bach v. State of California, to be paid in accordance with the terms of the settlement thereof

This bill would also require that, within 180 days of the effective date of any statute making an appropriation to pay the settlement of a claim against the state, the state agency involved report to the Attorney General concerning any remedial action taken, as specified

This bill would take effect immediately as an urgency statute.

Ch. 50 (SB 251) Dills Financial institutions industrial loan companies, personal property brokers, and consumer finance lenders

(1) Existing law relating to industrial loan companies, personal property brokers, and consumer finance lenders requires loans made pursuant to those laws to be repayable in substantially equal periodical installments.

This bill would provide that the requirement of repayment in substantially equal periodical installments shall not apply to a loan made to a graduate student at an accredited college or university while the student is actively pursuing a study program leading to a postbaccalaureate degree.

(2) Existing law contained in the Personal Property Brokers Law and the Consumer Finance Lenders Law prescribes the maximum charges, as specified, which may be assessed for a loan regulated by those provisions. Existing law further provides that the term "charges," for the purposes of the Personal Property Broker Law and the Consumer Finance Lenders Law, does not include commissions received as a licensed insurance agent or broker in connection with insurance written as specified

This bill would provide that the term "charges," for the purposes of these two laws, does not include, in addition, court costs, excluding attorney's fees, incurred in a suit and recovered against a debtor who defaults on his or her loan

(3) Existing law relating to consumer finance lenders provides that a loan that is secured by a lien on real property may not be secured by a lien on personal property as well, except when the lien on personal property is an assignment of rents in a mortgage or deed of trust.

This bill would also permit a loan that is secured by a lien on real property to be secured by a lien on personal property as well, where the lien on personal property is a lien on a mobilehome located upon the real property.

Ch 51 (AB 464) Chacon. Real property. signs

Existing law makes void any provision in, or otherwise affecting, a grant of a fee interest in, or purchase money security instrument upon, real property, which forbids or restricts the right of the grantee or the grantee's agent to display a "for sale" sign of reasonable dimensions on the property

This bill would make the above provisions applicable also to the design of such a sign and would also make void any similar provision which forbids or restricts the right of the grantee or the grantee's agent to display a sign advertising the property for lease or exchange This bill would also provide that a sign which conforms to a city's or county's ordinance, as prescribed, shall be deemed to be of reasonable dimensions and design

The bill would also make conforming changes

Ch 52 (AB 69) McAlister Street, highway, and public service easements· vacation

(1) Existing law relating to the vacation of streets, highways, and public service easements authorizes the legislative body of a public entity to submit a proposed vacation to the local planning commission or agency for a report. Existing law requires a city or county with an adopted general plan to submit any proposed street vacation to a planning agency for a report as to conformity with the general plan.

This bill would provide that the submission of a report of the proposed vacation of a street, highway, or public service easement comply with applicable law governing a general or master plan

(2) Existing law authorizes the legislative body of a local agency to summarily vacate a public service easement in certain cases where the easement has not been used

This bill would authorize the legislative body to summarily vacate a public service

easement if it has been superseded by relocation and there are no other public facilities located within the easement.

Ch. 53 (SB 47) Presley. Local agencies: incorporation: boundary changes.

(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.

This bill would specify that the incorporation of the City of La Quinta shall be effective for the purpose of the allocation of county property tax revenues to the city for the last 6 months of the 1982–83 fiscal year if the city filed the required map or plat by July 1, 1982. It would also provide that the transfer of territory from the San Ramon Valley Unified School District to the Walnut Creek School District and the Acalanes Union High School District in Contra Costa County shall be recognized for the 1983–84 fiscal year if the necessary documents are filed by July 1, 1983.

(2) Under existing law, the existence of the City of La Quinta would not be recognized for many purposes until the 1983–84 fiscal year and the boundary changes of the Rossmoor School District until the 1984–85 fiscal year because they failed to timely file the required map or plat.

This bill would provide for a state-mandated local program because it would require the county to allocate funds to the City of La Quinta earlier than it otherwise would and would require the county to make changes in the allocation of funds to certain school districts earlier than it otherwise would.

(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 54 (SB 334) Ayala. Supplemental traffic control.

Existing law does not authorize the Department of the California Highway Patrol to contract to provide supplemental traffic control services for special events.

This bill would authorize the department to contract with persons or governmental entities to provide supplemental traffic patrol services to coordinate and direct traffic at or near the site of a special event. Any fees received by the department under the bill would be deposited in the Motor Vehicle Account in the State Transportation Fund.

The bill would take effect immediately as an urgency statute.

Ch. 55 (AB 605) Lewis. County water districts: standby assessments.

Chapter 231 of the Statutes of 1981 authorized the Yorba Linda County Water District to fix and collect within Improvement District No. 2 of the district water standby or availability assessments of not to exceed $250 per year for each acre or portion thereof or, in the alternative, subject to the consent of the owner of the property to be assessed, on the basis of each residential unit or the equivalent thereof, determined as prescribed. These provisions, however, have no effect after January 1, 1983, except to the extent necessary to raise funds for interest or principal payments on bonds of Improvement District No. 2 issued prior to that date.

This bill would extend that date to January 1, 1989.

The bill would make legislative findings and declarations in this connection.

The bill would take effect immediately as an urgency statute.

Ch. 56 (SB 35) Presley. Fireworks: model rockets.

(1) Under existing law, it is 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, and it is 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 constitutes a misdemeanor.

This bill would permit model rocket products including model rockets, launch systems, and model rocket motors designed, sold, and used for the purpose of propelling recoverable model rockets to be sold or transferred pursuant to regulations adopted by the State Fire Marshal.

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

Ch. 57 (SB 117) Stiern Water districts: saline conditions.

Under existing law, districts organized under the California Water District Law are not expressly authorized to plan, finance, construct, and operate works for the drainage and reclamation of lands.

This bill would authorize the Lost Hills Water District only to acquire, construct, operate, and furnish facilities for the control of waters to protect, maintain, and enhance the quality of lands within the district, and to prepare, adopt, and implement, in accordance with prescribed procedures, a plan of works for that purpose. The bill would specify the powers of the district for that purpose and, in this connection, would authorize the district to issue bonds secured by benefit assessments.

The bill would make legislative findings as to the necessity for a special law.

The bill would take effect immediately as an urgency statute.

Ch 58 (SB 225) Vuich. Loans.

Existing law provides that various provisions of the Personal Property Brokers Law, including interest rate restrictions, do not apply to a loan of a bona fide principal amount of $10,000 or more or to any commercial loan of a bona fide principal amount of $5,000 or more, or to certain types of commercial loans, as specified.

This bill would exempt noncommercial loans of a bona fide principal amount of $5,000 or more or a licensed personal property broker in connection with such loans, from certain provisions and requirements of the Personal Property Brokers Law, including interest rate restrictions, as specified The bill would make additional changes to the Personal Property Brokers Law in conformity with the creation of this exemption.

Existing law provides that various provisions of the Consumer Finance Lenders Law, including interest rate restrictions, do not apply to a loan of a bona fide principal amount of $10,000 or more, or to a duly licensed consumer finance lender in connection with such loans

This bill would exempt noncommercial loans of a bona fide principal amount of $5,000 or more or a licensed consumer finance lender in connection with such loans, from certain provisions and requirements of the Consumer Finance Lenders Law, including interest rate restrictions, as specified.

The bill would make additional changes to the Consumer Finance Lenders Law in conformity with the creation of this exemption

Existing law specifies that the Personal Property Brokers Law does not apply to a member of any class of persons, other than the class of personal property brokers, who is exempt from the interest rate limitations of the Constitution relating to usury.

Similar exemptions exist with respect to the Consumer Finance Lenders Law and the Commercial Finance Lenders Law.

This bill would repeal these provisions in the Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law.

Ch 59 (AB 1629) Bane. Public obligations in registered form.

Existing law makes various provisions within the Government Code governing public bonds and obligations.

This bill, in addition to existing law, would set forth within the Government Code, the Registered Public Obligation Act of California, as specified, one of the purposes of which is to empower all public entities, as specified, to establish and maintain a system pursuant to which obligations may be issued in registered form within the meaning of applicable provisions of the Internal Revenue Code.

This bill would take effect immediately as an urgency statute

Ch 60 (SB 400) Dills Community college district: business manager: unemployment compensation benefits

(1) Under existing law, when certain titles are affixed to the position of business manager of a community college district having a resident average daily attendance of more than 60,000, the governing board may, without reference to certification qualifications, appoint, employ, and terminate persons in this position as if they were certificated administrative employees

This bill would add "vice president" to the list of titles and would reduce the size of the community college district to which these provisions apply to districts having resident average daily attendance of more than 12,000, rather than of more than 60,000.

(2) Existing law provides that unemployment compensation benefits, extended duration benefits, and federal-state extended benefits based on service performed in the employ of nonprofit organizations or public entities, as defined, with respect to services for an educational institution, except certain specified services for an institution of higher education, shall not be payable for any week which commences during established and customary vacation periods, holiday recesses, and the period between 2 successive academic years or terms if there is a contract or a "reasonable assurance" that the employee will perform the services in the immediately following period For purposes of this provision, "reasonable assurance" includes, but is not limited to, an offer of employment made by the educational institution if the offer is not contingent on enrollment, funding, or program changes.

This bill would extend this exclusion from benefits to all services performed for any educational institution, including an institution of higher education, which is a nonprofit organization or public entity, as defined, or a federally operated school, as specified

The bill would make certain employees performing services at specified educational institutions eligible for benefits notwithstanding the foregoing exclusion.

In addition, the bill would require that these educational institutions shall provide employees rendering these services, and who may be excluded from benefits, with a written statement, within 30 days of the end of a term or year, indicating whether there are reasonable assurances of reemployment and certain information, as specified, concerning filing a claim for benefits.

(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 impose a state-mandated local program by requiring specified information to be given to certain personnel within certain time limits.

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 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. 61 (SB 603) Foran. Loans of property to museums

Existing law does not specifically address the issue of the rights of museums and lenders of property to museums as to property which has been left unclaimed by the owner thereof for an extended period of time

This bill would enact comprehensive provisions regarding the loan of property to a museum for an indefinite period or for a term in excess of 7 years and, among other things, would do the following:

(a) Provide a notice of intent to preserve an interest in property which a lender may file with a museum.

(b) Require museums, including museums of local governmental entities, to give designated notices or information to lenders, and to maintain certain information for a specified period of time, thereby imposing a state-mandated local program upon museums of local governmental entities.

(c) Provide for the termination of loans at the option of the museum upon giving a notice of intent to terminate, as specified

(d) Provide limitations on actions for injury or loss to, or for recovery of, loaned

property, except as otherwise specified.

(e) Expressly authorize a museum to report certain unclaimed loaned property to the Controller for disposition under the Unclaimed Property 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. 62 (AB 233) N. Waters. Personal income tax returns.

Existing Personal Income Tax Law prohibits the Franchise Tax Board from disclosing returns, reports and documents required to be filed under that law, with certain limited exceptions. One such exception allows the disclosure of that information to specified state and federal tax officers for tax purposes only. Except when furnished pursuant to a written agreement, that information is to be furnished only pursuant to a written request in the form of an affidavit that such information is related to an investigation of a specific tax and that the information will be used in the ordinary performance of the applicant's official duties.

This bill would provide that, notwithstanding the above provisions, tax officials of political subdivisions of this state shall request information from the Franchise Tax Board by affidavit only. It also would provide that at the time a tax official makes the request, he or she shall provide the affected taxpayer with a copy of the affidavit and, upon request, make the information obtained available to the taxpayer.

Ch. 63 (AB 337) Kelley. Municipal water district contracts.

Under existing law, a contract let by a municipal water district in the amount of $10,000 or more, for work not to be done by the district itself by force account, is required to be let to the lowest responsible bidder, in accordance with prescribed procedures.

This bill would increase that amount to $25,000 or more.

Ch. 64 (AB 762) O'Connell. Advertising consumer goods.

Existing law requires a retail seller who sells any consumer goods which are sold only in multiple units and which are advertised by price to advertise those goods at the price of the minimum multiple units in which they are offered, except that those goods may be advertised at a single unit price where the goods are sold only in multiple units as long as the advertisement also discloses the price of the minimum multiple unit in which they are offered.

This bill would make those requirements applicable to a retail seller who sells any consumer service, as defined.

Ch. 65 (AB 1194) Elder. Barbers.

Existing law provides for a State Board of Barber Examiners, which consists of 5 members, 3 of whom are public members, and provides that each nonpublic member shall be a practicing barber who has engaged in the practice of barbering in this state for at least 5 years immediately prior to his appointment. Existing law further provides that of these licentiate members, one member shall be a journeyman barber and one member shall be a barber employing one or more journeyman barbers.

This bill would delete the requirement that each licentiate member of the board be a practicing barber for at least 5 years prior to appointment. The bill would require, instead, that one member of the board be a journeyman barber in this state who has actively practiced for at least 5 years immediately prior to his or her appointment and that one member of the board be either a registered barber who has actively engaged in the practice of barbering for 5 years in this state and who is presently engaged in the management of a barber college as the owner of the barber college or as a member of a partnership or officer of a corporation which owns a barber college, or a registered barber who has actively engaged in the practice of barbering in this state for at least 5 years immediately prior to his or her appointment and who presently employs one or more journeymen barbers.

Ch. 66 (SB 86) Vuich. Vehicles. driver's licenses.

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. 67 (SB 233) Alquist Santa Clara County Transit District.

Under the Santa Clara Transit District Law, the Santa Clara County Transit District is authorized to issue revenue bonds, payable from the revenue of any district facility or enterprise, pursuant to the Revenue Bond Law of 1941.

This bill would permit the district to secure those bonds from revenues made available from a retail transactions and use tax and would permit the district to issue, in that case, those bonds without an election if the resolution authorizing the bonds contains certain provisions

Ch. 68 (AB 132) N. Waters. School facilities: Field Act: transportation allowances.

(1) Existing law generally requires that the Superintendent of Public Instruction apportion to each school district the amount of its approved home-to-school transportation allowances in a specified manner. Existing law requires that in no event shall the amount apportioned pursuant to the provisions of existing law exceed the district's actual approved home-to-school transportation costs for the prior fiscal year.

This bill would specify an exception to that limitation for an elementary school district located in a remote, sparsely populated area with less than 30 units of average daily attendance which contracts with a high school district for the home-to-school transportation of pupils. Those districts would be reimbursed for the additional contract costs caused by an increase in the total number of pupils transported in the 1982–83 fiscal year and each fiscal year thereafter.

(2) Existing 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 (1) permit the Columbia Union Elementary School District to use a specified building as an elementary school building until June 30, 1985, (2) permit the Tahoe Truckee Unified School District to continue to use a specified structure to house the continuation high school program until June 30, 1985, (3) permit the San Ramon Valley Unified School District to use specified buildings as elementary school buildings until June 30, 1985, (4) permit the Allan Hancock Joint Community College District to use specified buildings for classroom and support services until June 30, 1985, (5) permit the Corning Union Elementary School District to use specified school buildings for classrooms until the buildings are replaced, and (6) exempt these structures from the provisions of the so-called Field Act during the period of use authorized by this bill

(3) Under existing law, the Controller is required to deduct from State School Fund apportionments to each school district the total amount of the district's annual repayment of apportionments from the State School Building Aid Fund. Existing law also requires the annual levy of a tax upon the property of the district sufficient to raise for the district the amount of money to be withheld by the Controller during the fiscal year in which the tax is levied.

This bill would require the Controller to reduce the total amount of the deductions from apportionments to be made to the Elk Grove Unified School District for the 1982–83 fiscal year by a specified amount, or to increase the apportionments to the district by that specified amount if the Controller has deducted the total amount required in the 1982–83 fiscal year prior to the effective date of this bill. This bill would require the Controller to add the amount specified to the amounts to be deducted from apportionments to the district in the 1983–84 fiscal year, plus interest equal to the rate of interest earned by the Pooled Money Investment Account.

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

Ch. 69 (AB 146) Campbell. Community colleges. community service classes· education fees: finance:

(1) Existing law authorizes the governing board of a community college district to establish and maintain community services classes, but prohibits the apportionment of state funds for these classes. However, under existing law, governing boards may charge student fees for maintaining these classes.

This bill would require the Board of Governors of the California Community Colleges to establish policies and guidelines which, for the 1983–84 fiscal year, or at such earlier time as the board may designate, identify certain types of classes as community service classes pursuant to specified statutory provisions.

This bill would also require the board of governors, commencing with the 1984–85 fiscal year, or at such earlier time as the board of governors may designate, to establish educational criteria to enable community college districts to identify these classes.

(2) Existing law authorizes the governing board of any community college district to establish and maintain classes, and provides for the financing of some of these classes from state apportionments.

This bill would authorize the governing board to require a fee from students enrolled in classes which are not eligible for state apportionments, subject to the limitation that total revenues from the fees not exceed the estimated cost for maintaining all of these classes.

(3) Under existing law, if 1982–83 fiscal year appropriations and revenues are less than the amounts computed for all districts for the fiscal year, the Chancellor of the California Community Colleges is required to apportion state aid to community college districts according to a specified procedure, which affords priority to base revenues per unit of average daily attendance and certain workload adjustments. Funds for other programs are apportioned to districts on a pro rata basis, to the extent available.

This bill would include lease and capital outlay commitments in the categories which receive first priority for full funding.

(4) Under existing law, community college districts pay a specified percentage of the compensation paid to classified employees of community college districts to the Public Employees' Retirement System monthly.

Existing law also requires that an amount equal to the sum of the decreases in employer contributions to the Public Employees' Retirement System for community college district employees, as specified, revert from the unencumbered balance of an item of appropriation in the Budget Act of 1982 to the unappropriated surplus of the General Fund. Under existing law apportionments to community college districts for the 1982–83 fiscal year are reduced by the amount reverted; but in no case is the reduction to be made on a pro rata basis among all community college districts.

Existing law requires the chancellor of the community colleges to identify, by February 23, 1983, the preliminary estimate of the amount of reduction in apportionment, for the 1982–83 fiscal year for each community college district in such fashion as to give maximum consideration to those districts experiencing financial difficulties and to transmit these estimates to the Board of Governors of the California Community Colleges which then make the appropriate reduction of each district's first principal apportionment for the 1982–83 fiscal year.

This bill would revise this procedure in the following ways:

(a) The chancellor would still be required to identify the preliminary estimate of the amount of the reduction, but it would be the reduction in the allocations of apportioned funds rather than in the apportionments.

(b) The chancellor, rather than the board of governors, would be required to reflect the reduction in each district's first principal apportionment for the 1982–83 fiscal year.

(c) While the chancellor would still be required to transmit the estimated reductions to the board of governors, the board of governors, rather than the chancellor, would be authorized to adjust the fiscal reductions giving maximum consideration to those districts currently experiencing financial difficulties but the reduction could not be made on a pro rata basis

(d) This bill would also delete the limitation that the reduction to community college district apportionments not be made on a pro rata basis among all the community college districts.

(5) 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, deductions and interest provisions.

This bill would appropriate from funds apportioned to Section B of the State School Fund for the 1982–83 fiscal year, a sum not to exceed $350,000 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 also require the Compton Community College District to submit specified revised reports and plans submitted to obtain a previous emergency apportionment and would exempt this emergency apportionment from a specified statutory provision requiring the Controller to make minimum yearly deductions from statutory apportionments over a 3-year period. However, this bill would require the Controller to deduct the amount of this emergency apportionment, plus specified interest, from state funds, apportioned to the district for the 1986–87 fiscal year.

This bill would specify that the effect of any deficit in the state general apportionments to community college districts in the 1982–83 fiscal year created by this reapportionment shall be excluded from the computation of community college district base revenues in the 1983–84 fiscal year.

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

Ch. 70 (AB 552) N. Waters. Auctioneers.

Existing law provides that no individual may act as an auctioneer and no person may operate an auction house or an auction company without possessing a valid license, as specified. Existing law exempts from licensure and regulation various auctions and sales, as specified.

This bill would include within these exempted auctions an auction of livestock in any place designated by the Secretary of the United States Department of Agriculture as a stockyard, as specified. This exemption from licensure and regulation would extend to persons acting as auctioneers at any such livestock auction. This exemption would remain in effect until July 1, 1985, and on that date would be repealed

This bill would also take effect immediately as an urgency statute

Ch. 71 (AB 1754) Frizzelle. County superintendent of schools: audiovisual services.

Existing law permits a county superintendent of schools, with the approval of the county board of education, to enter into an agreement with a nonpublic institution of higher education or the governing board of any nonpublic school for the use by the institution or school of audiovisual curriculum materials under certain circumstances.

This bill would also permit similar agreements with a public agency or a nonprofit public organization.

Ch. 72 (AB 27) McAlister. Conservatorship.

Existing law provides that in the case of any proceeding to establish a limited conservatorship an assessment of the proposed limited conservatee is to be made by a regional center for persons with developmental disabilities and a written report of the center's findings be submitted to the court with copies being furnished to the proposed limited conservatee and to the petitioner in the proceedings.

This bill would require that the copy of the report be mailed at least 5 days before the hearing on the petition for the appointment of a conservator to the proposed limited conservatee, to the attorney of the proposed limited conservatee, to the attorney of the petitioner or to the petitioner if the petitioner has no attorney, and to other persons as the court orders.

Ch. 73 (AB 158) Tucker. Peace officers.

Under existing law, it is a crime, when no other punishment is prescribed for the conduct engaged in by the defendant, to willfully resist, delay or obstruct any public officer in the discharge or attempt to discharge any duty of his office. The provision has been interpreted by judicial decision to apply to peace officers as public officers.

This bill would specify that the provision applies to any public officer or peace officer.

Ch. 74 (AB 225) Hannigan. Mortgages: impound accounts.

Existing law prohibits a lender or person who purchases obligations secured by real property who maintains an impound account from either requiring the borrower to deposit in the account in any month an amount in excess of that permitted in connection with certain federally related mortgage loans or from requiring the sums maintained in that account to exceed at any time the amount or amounts reasonably necessary to pay obligations as they become due.

This bill would additionally prohibit the making of payments in a manner so as to cause any policy of insurance to be canceled or so as to cause property taxes or other similar payments to become delinquent.

Ch. 75 (AB 388) Kelley. County service areas.

Existing law generally provides for the exclusion of land devoted primarily to agricultural or livestock uses from a county service area if that land is contiguous to other land which is not included within the described exterior boundaries of the area and if the board of supervisors finds that the land will not be benefited by any of the types of extended services proposed to be provided within the area.

This bill would recast that provision and would, instead, permit the inclusion of land used for those purposes in a county service area if the land is contiguous to other land which is included within the described exterior boundaries of the area and if the board of supervisors finds that the land will be benefited by any of the types of services proposed to be provided within the area. The bill would also permit the inclusion of land devoted primarily to timber uses within a county service area under those circumstances.

Ch. 76 (AB 407) Davis. Municipal courts: traffic referees.

Existing law authorizes the judges of a municipal court having three or more judges to appoint one traffic referee, as specified.

This bill would authorize the presiding judge of the Beverly Hills Municipal Court District to also appoint the clerk-administrative officer, on an as-needed basis, to serve temporarily as traffic referee without additional compensation, provided he or she is a member of the State Bar.

Ch. 77 (AB 421) Davis Probate.

Under existing law, at least 20 days prior to the hearing on a petition for a determination that administration of an estate is not necessary for the reason that all or a part of the estate is community property passing or belonging to the surviving spouse, a notice of the hearing and a copy of the petition is required to be served upon various specified persons, as specified.

This bill would provide that a copy of the petition is not required to be so served under specified circumstances.

Ch. 78 (AB 460) D. Brown. Lis pendens.

Under existing law, a party may record a notice of the pendency of an action, commonly known as a lis pendens, at any time after an action concerning real property or affecting the right of possession of real property is commenced without notice or hearing. Following recordation of a lis pendens, a subsequent purchaser or encumbrancer is deemed to have notice of the action as it relates to the real property. The person causing notice of the pendency of the action to be recorded shall first cause a copy of the notice to be served upon the other party by first class mail.

This bill would instead require, with respect to actions concerning eminent domain, that the notice shall be served with the summons and complaint.

Ch. 79 (AB 491) Hughes. Sentencing.

Existing law provides that except for a provision of law prohibiting the granting of probation to, or the suspension of the execution of sentence of, a person convicted of pimping or pandering where the other person is under the age of 14, probation may be granted to, and the execution or imposition of sentence may be suspended for, a person otherwise convicted of pimping and pandering, if he or she is required to serve a term of imprisonment in the state prison for 3 years as a condition of probation or suspension.

This bill would delete the provisions authorizing probation or suspension of sentence upon service of a 3-year minimum prison term and instead would prohibit the granting of probation or the suspension of the execution of sentence where a person is convicted

of pimping or pandering.

This bill would take effect immediately as an urgency statute

Ch. 80 (AB 740) Roos. Banks.

Existing law provides that a commercial bank may accept drafts or bills of exchange drawn upon it having not more than 6 months' sight to run, exclusive of days of grace, which grow out of transactions involving the domestic shipment of goods, provided that shipping documents conveying or securing title are attached at the time of acceptance.

This bill would delete the requirement that shipping documents conveying or securing title be attached to acceptances which grow out of transactions involving the domestic shipment of goods.

Existing law provides that a commercial bank shall not accept drafts or bills of exchange drawn upon it having not more than 6 months' sight to run which grow out of specified transactions, including the importation and exportation of goods and the domestic shipment of goods, in an aggregate amount exceeding 50% of the sum of its shareholders' equity, allowance for loan losses, capital notes, and debentures, or, when authorized by the superintendent in an aggregate amount exceeding 100% of the sum of its shareholder's equity, allowance for loan losses, capital notes, and debentures.

This bill would change the percentages indicating the maximum amount of these drafts and bills of exchange which a commercial bank may accept, to 150% and 200%, respectively.

The bill would also provide that specified percentage limitations upon the aggregate amount of drafts and bills of exchange which a commercial bank may accept, do not apply to that portion of an acceptance which is issued by the bank and which is covered by a participation agreement sold to another institution.

This bill would take effect immediately as an urgency statute.

Ch. 81 (AB 849) Isenberg. Counties: [health]* maintenance organizations.

An existing provision of law, which is operative only until July 1, 1984, authorizes counties to contract to participate as a health maintenance organization in accordance with specified provisions of federal law, and to expend county funds in connection with a program so established.

This bill would delete the July 1, 1984, termination date of the existing provision.

Ch. 82 (AB 1645) Johnston. Education: interim facilities.

Under existing law, a city or county may require the dedication of land or the payment of fees, or both, by a developer for interim school facilities to mitigate conditions of overcrowding, as specified.

This bill would expand the definition of interim facilities in the Lodi Unified School District to include leased residential dwellings used for school purposes.

The bill would take effect immediately as an urgency statute.

Ch. 83 (SB 36) Johnson. Public utility districts.

(1) Existing law authorizes the board of a public utility district to compensate its members up to a maximum of $3,600 a year.

This bill would increase that upper limit to $4,800.

(2) Under existing law, the board may expend not more than $2,500 in the employment of an expert at any one time.

This bill would raise that amount to $15,000.

Ch. 84 (SB 52) Marks. Housing.

(1) Existing provisions of the Subdivision Map Act authorize a local agency to enter into a binding agreement with a subdivider which permits the subdivider to convert a building, which will be made available for rental housing for a period of not less than 10 years, to a condominium if, among other things, the units are insured or coinsured pursuant to specified provisions during the period the units are required to be made available for rental purposes.

This bill would except multifamily rental housing financed on or after January 1, 1983, with tax-exempt ~~securities~~ [bonds]* from the requirement that the buildings be so insured in specified circumstances.

(2) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 85 (SB 90) B. Greene Vocational nursing

Existing law provides that the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California shall select an executive secretary who shall perform such duties as are delegated by the board, as specified.

This bill would substitute the term "executive officer" for the term "executive secretary" in the above provision, and would make related changes.

This bill would also make various technical, nonsubstantive changes, as specified.

Ch. 86 (SB 220) Foran California Transportation Commission members.

Under existing law, 9 voting members of the California Transportation Commission are required to be appointed by the Governor with the advice and consent of the Senate. The Governor is expressly authorized to appoint to the commission 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. The members of the California Transportation Commission serve a term of 4 years or until their successors are appointed.

This bill would prohibit a voting member from simultaneously holding an elected public office, except a person who was serving as a member on January 1, 1983, and who, on that date, was an elected public official

Ch. 87 (SB 360) Davis. Industrial loan companies: Thrift Guaranty Corporation.

Existing law provides that advertisements with regard to membership in Thrift Guaranty Corporation of California shall include one of two alternate statements with respect to applicable guarantees of a thrift obligation

This bill would, instead, provide that, except for any logo of Thrift Guaranty Corporation of California, such advertising shall only state that all accounts shall be guaranteed for $50,000 by Thrift Guaranty Corporation of California under California law

Existing law provides that, in the event that any member fails to pay an assessment when due, Guaranty Corporation shall report such default in writing to the Commissioner of Corporations within 24 hours of the default, and shall within 30 days after the default bring an action in law or equity to enforce payment. If Guaranty Corporation does not bring such action within the time specified, the Commissioner of Corporations may bring an action in law or equity to enforce such payment.

This bill would revise the above provisions to provide for the suspension of the membership rights and benefits of the defaulting member, as specified.

Ch. 88 (SB 531) Marks. Property taxation: technical errors: validation

Annually in the past, the Legislature has enacted legislation validating various technical or procedural errors or omissions in the functions of taxing agencies and revenue districts.

This bill would similarly validate these actions.

Ch. 89 (SB 551) Vuich. Credit unions

Existing law provides that a credit union is a cooperative corporation organized for the purpose of promoting thrift among its members, creating a source of credit for them at rates of interest for provident purposes, and providing an opportunity for them to use and control their own money on a democratic basis in order to improve their economic and social conditions.

This bill would instead provide that a credit union is a cooperative corporation, organized for the purpose of promoting thrift and savings among its members, creating a source of credit for them at rates of interest set by the board of directors, and providing an opportunity to use and control their own money on a democratic basis in order to improve their economic and social conditions As a cooperative, a credit union is defined as conducting its own business for the mutual benefit and general welfare of its members with the earnings, savings, benefits, or services of the credit union being distributed to its members as patrons.

Existing law requires the bylaws of a credit union to prescribe the manner in which the business of the credit union shall be conducted with reference to specified matters, including the maximum rate of interest that may be charged upon a loan.

This bill would delete that requirement. It would additionally require the bylaws to

prescribe, if applicable, the general powers, responsibilities and duties of the credit manager.

Existing law provides that a credit manager shall not be a member of the board of directors.

This bill would instead provide that neither a credit manager nor any loan officer shall be a member of the board of directors.

Existing law authorizes a credit union to admit to membership those persons qualified for membership, as provided in the credit union bylaws, upon payment of an entrance fee or the purchase of a share in the credit union. It also provides that no officer, director, committee member, or employee of any credit union shall approve a person for admission for membership or admit an applicant for membership in the credit union or extend any benefit or service of the credit union to any person, either directly or indirectly, unless that person is admitted to membership in the credit union, as specified.

This bill would provide that those provisions of existing law shall not be construed to limit the powers of a credit union to engage in joint service programs or business relationships for the benefit of their members where some incidental benefit may flow to third parties to the transaction or the authority for a credit union to engage in joint loan programs, as specified

Existing law permits any member to withdraw from the credit union at any time. It also requires a withdrawing member to give 60 days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw certificates unless a longer period of notice is required, as specified.

This bill would provide that a withdrawing member give 60 days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw certificates for funds unless a different period of notice is required by the Commissioner of Corporations for the withdrawal of shares or share certificates that may be established by the board of directors.

Existing law authorizes the directors of any credit union, for the dividend period, to declare dividends from its undivided profits, but no credit union shall credit or pay any dividends to its members until it has transferred to its regular reserve such part of its gross income as is required by law

This bill would provide that the directors of any credit union may, for the dividend period, declare dividends from its undivided profits, but no credit union shall credit or pay dividends or pay loan interest refunds to its members until it has transferred to its regular reserve such part of its gross income as is required by law.

Existing law provides that whenever the directors of the credit committee deem a loan unsafe they may require additional security, as specified.

This bill would, if applicable, delegate the same authority to the credit manager.

The bill would additionally make various technical and conforming changes.

Ch. 90 (SB 578) Johnson. Counties. director of finance.

Existing law allows the board of supervisors of any county with a population of 150,000 or more to establish the office of county director of finance and to consolidate that office with the offices of auditor, controller, tax collector, and treasurer. The board of supervisors is required to submit its proposal for the establishment of an office of director of finance to the county electorate for approval.

This bill would authorize any county, rather than only those counties with a population of 150,000 or more, to establish the office of director of finance.

This bill would take effect immediately as an urgency statute

Ch 91 (SB 381) Deddeh. County ordinances: date effective

Under existing law, certain specified types of county ordinances become effective immediately upon passage, all others become effective 30 days from final passage.

This bill would include among the ordinances which take effect immediately, any ordinance relating to salaries and other compensation of officers, except elected officers, and employees.

The bill would take effect immediately as an urgency statute.

Ch. 92 (AB 53) McAlister. Nonprobate transfers.

Under existing law, the law governing the rights among parties to joint tenancy and other multiple-party accounts with financial institutions do not differ because of the type of financial institution.

This bill would establish specific provisions governing multiple-party accounts with credit unions and industrial loan companies.

(a) Under existing law, a joint tenancy account belongs equally to the parties thereto.

This bill would alter the existing rule, to provide that a joint account with a credit union or industrial loan company belongs to the parties in the proportion to their net contributions unless there is clear and convincing evidence of a contrary intent.

(b) Under existing law, there is a presumption of survivorship in a joint account which is rebuttable by a preponderance of the evidence.

This bill would require clear and convincing evidence to overcome the presumption for an account with a credit union or industrial loan company.

(c) Under existing law, a tentative or "Totten" trust account, payable upon death, has, in some instances, been defeated upon a showing of evidence that the trustor intended some other disposition of the proceeds of the trust.

This bill would specify for an account with a credit union or industrial loan company that the terms of the trust will prevail in the absence of clear evidence of a contrary intent.

(d) Under existing law, a tentative or "Totten" trust may be revoked by a testamentary plan wholly inconsistent with the terms of the trust.

This bill would specify that a beneficiary designation in a "Totten" trust account with a credit union or industrial loan company cannot be changed by will.

Under existing law, when community property funds are deposited into a joint account with a right of survivorship there is a presumption that the funds are to be converted into true joint tenancy funds.

This bill, instead, would provide that community property funds deposited in a joint account with a credit union or industrial loan company are presumed to be and remain community property. The presumption may be rebutted as specified.

The bill would enact related provisions.

The bill would become operative on July 1, 1984, and would apply to accounts in existence on that date and accounts thereafter established, except that certain changes made in Section 14854 of the Financial Code by Chapter 6 of the Statutes of 1983, would become operative from January 1, 1984, to July 1, 1984.

Ch. 93 (AB 169) Lancaster. Credit unions.

Existing law provides that every credit union member shall have the right to vote by proxy, except that the right to vote by proxy may be limited or withdrawn by the articles of incorporation or bylaws.

This bill would provide instead that no amendment of the articles of incorporation or the bylaws of a credit union may be adopted which repeal, restrict, create, or expand proxy rights, without approval by the members, and that no such amendment may affect the validity of a previously issued irrevocable proxy during the term of its irrevocability if it is in compliance with the articles and bylaws at the time of issuance and is otherwise valid. The bill would also provide that the board of directors of a credit union may solicit an irrevocable proxy for a proxyholder when the credit union is insolvent or its capital is impaired or a reorganization plan for the credit union has been approved. The bill would also specify the manner in which a proxy of a member of a credit union is made irrevocable and when it becomes revocable, and would specify various requirements with respect to the use of proxies.

Ch. 94 (AB 356) Johnson. Savings and loan associations.

Existing law requires the Savings and Loan Commissioner to require every savings and loan association licensed by him or coming under his supervision to pay its pro rata share of the estimated salaries and expenses provided for in the Savings and Loan Law, for the ensuing year. Existing law further provides that the assessment against each savings and loan association be the proportion which the association's assets bear to the aggregate assets of all associations receiving licenses as shown by the latest reports of associations to the commissioner.

This bill would specify that the commissioner shall annually assess each savings and loan association doing business in this state, including a foreign association, an amount

representing its pro rata share of the estimated operating costs for the ensuing year. The bill would eliminate the proportional guidelines for these assessments and would provide instead that the commissioner shall determine the amount of the assessment and promulgate regulations in this regard. The bill would also provide that there will be no rebate or refund of an assessment if an association ceases to be an association by reason of merger, consolidation, conversion, acquisition of assets or similar type transactions during a fiscal year.

Existing law provides that no savings and loan association shall be assessed for the support of the Department of Savings and Loan, less than $100 for any fiscal year or less than $100 for the unexpired portion of the fiscal year in which the domestic association is formed.

This bill would provide instead that no association shall be assessed for, nor permitted to pay less than $500 for the unexpired portion of the fiscal year in which the association is formed. The bill also specifies the method of computing the initial assessment for a new domestic association formed and licensed during a fiscal year.

Existing law specifies the method of computing the initial assessment where a domestic savings and loan association proposes to acquire the assets of any federal savings and loan association by transfer, conversion or otherwise.

This bill would similarly specify the method of computation of the initial assessment where a domestic association acquires the assets of a state or national bank.

This bill would take effect immediately as an urgency statute.

Ch. 95 (AB 492) Moorhead. Business and professions.

Existing law generally provides that a board administering provisions of law regulating a business or profession pursuant to the Business and Professions Code may deny a license on the grounds that an applicant has been convicted of a crime, done any act involving dishonesty, fraud, or deceit, knowingly made a false statement on an application for licensure, or done any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of a license.

This bill would, in addition, provide that a board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has subverted or attempted to subvert any licensing examination, as specified. The bill would provide that the subverting of any examination includes, among other things, the unauthorized mechanical reproduction of any actual examination, paying or using professional or paid examination-takers for the purpose of reconstructing any portion of an examination, using any examination questions or materials for the purpose of instructing or preparing applicants for examination and other specified conduct which violates the standard of examination administration.

Existing law requires an applicant for a physician's and surgeon's certificate who obtains a score of at least 75% in 7 subjects to be reexamined only in those subjects he or she fails.

This bill would provide that an applicant may either be reexamined in the entire examination and obtain a passing score or only be reexamined in those parts failed and pass each part with a score of 75%.

Existing law also provides that an applicant shall be reexamined without additional fee.

This bill would delete that provision.

Existing law provides that the Division of Licensing of the Board of Medical Quality Assurance may deny a physician's and surgeon's certificate, and the Podiatry Examining Committee may deny a podiatry certificate, to any applicant who is guilty of unprofessional conduct.

This bill would provide that the Division of Licensing, and the committee, may also issue a certificate subject to conditions to an applicant otherwise subject to denial of licensure.

Ch. 96 (AB 612) Moore. Improvement Act of 1911. bonds: interest rates.

Under the Improvement Act of 1911, bonds are required to bear interest at the rate specified in the resolution of intention to do the work. Bonds of a local agency may bear a maximum interest rate of 12% until January 1, 1984, and a maximum interest rate of 10% thereafter.

This bill would authorize the legislative body to use a rate of interest less than the rate specified in the resolution of intention if it finds a lesser rate appropriate at the time of advertising bids for construction. The bill would specify that the maximum interest rate on bonds issued under the act would be the maximum interest rate for local agency bonds at the time of adoption of the resolution of intention.

Ch. 97 (AB 724) Tucker. Marriage, family and child counselors.

Existing law requires an applicant for a license as a marriage, family and child counselor to have certain qualifications, including, among other things, having at least 2 years' experience, as specified, under the supervision of a licensed marriage, family and child counselor, licensed clinical social worker, licensed psychologist, or licensed physician certified in psychiatry.

This bill would require any person supervising another pursuant to that provision to have been licensed or certified for at least 2 years prior to acting as a supervisor.

Ch. 98 (AB 785) Isenberg. Cities: annexations.

Existing law generally prohibits the annexation of territory to a city unless it is contiguous to the city at the time preliminary proceedings are initiated for the annexation of the territory. Existing law, however, does permit a city, upon approval of the local agency formation commission, to annex noncontiguous territory not exceeding 160 acres in area which is owned by the city and is being used for municipal purposes at the time the preliminary proceedings are initiated.

This bill would increase the amount of noncontiguous territory which could be annexed by a city to 300 acres, and would repeal a special provision, applicable only to cities in the County of Placer, permitting annexation of up to 300 acres of noncontiguous territory.

Ch 99 (AB 261) Harris. Fiduciaries: trustees, executors, and administrators

(1) Existing law sets forth the duties and liabilities of a trustee with respect to the use or disposal of trust property and with respect to following the directions of the trustor given at the time of the trust's creation.

This bill would revise those provisions as specified.

(2) Existing law generally provides that where a trust instrument confers absolute, sole, or uncontrolled discretion upon a trustee, the trustee shall act in accordance with fiduciary principles and shall not act in bad faith or in disregard of the purposes of the trust. Existing law provides, however, that where a trust instrument confers absolute, sole, or uncontrolled discretion upon a trustee who is the beneficiary of a trust with the power to take or distribute income or principal to or for the benefit of himself or herself pursuant to a standard, the trustee shall exercise that power reasonably and in accordance with the standard, as specified.

This bill would provide that where a trust instrument confers absolute, sole, or uncontrolled discretion upon a trustee, the trustee shall act in accordance with the requirements of the former provision, and, if applicable, in accordance with the requirements of the latter provision as well.

(3) Existing law provides that a trustee may be discharged in several ways, including by being adjudged an incompetent, as defined by the provisions of a repealed provision of law.

This bill would delete the above provision containing the reference to the repealed provision of law.

(4) Existing law provides that an agency relationship may be terminated in several ways.

This bill would substitute the word "agent" for "agency" with regard to the situation where the agency is being terminated due to the incapacity of the agent and would make other nonsubstantive technical changes.

(5) This bill would also repeal an obsolete provision relating to inheritance tax referees.

(6) Existing law generally provides that no greater rate of interest shall be paid upon any claim against a decedent's estate after its allowance by the administrator or executor and its approval by the judge than 10% per annum.

This bill would provide, however, that for claims based upon written contract the rate

of interest specified in the contract shall be paid in accordance with the terms thereof until the claim is paid in full.

(7) Existing law provides that the personal property of an estate may be sold only after notice is given by the county clerk and the executor or administrator, as specified.

This bill would provide, instead, that the sale may occur only after notice posted at the courthouse, as specified, or by publication in the county, or by both, as the executor or administrator may determine.

(8) This bill would also revise provisions relating to claims by a decedent's estate to real or personal property, as specified.

(9) Existing law sets forth examples of extraordinary services of an executor or administrator which may be deemed compensable by a probate court.

This bill would include within these compensable extraordinary services the successful defense of a will which is contested either before or after the will is admitted to probate.

Ch. 100 (AB 729) N Waters. Community services districts.

(1) Under existing law, districts organized pursuant to the Community Services District Law are not generally authorized to provide for the generation and transmission of hydroelectric power.

This bill would authorize the Groveland Community Services District and the Big Bear City Community Services District to construct, install, own, maintain, and operate hydroelectric power generating facilities and transmission lines. The bill would permit the districts to issue revenue bonds in accordance with specified provisions of law. The bill would declare the necessity for a special act for the Groveland Community Services District and the Big Bear City Community Services District.

(2) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 101 (AB 739) Harris. Maintenance of the 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 1983, and would not make any substantive change in the law.

Ch. 102 (AB 1474) Calderon. Civil procedure.

Existing law 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 with pleadings, limited discovery, and the use of affidavits at trial. Certain designated cases are excluded from those provisions.

This bill would provide that the amount in controversy in those actions shall be $15,000 or less; would limit the kinds of cases excluded from those provisions; and would make clarifying changes.

Under existing law, in a case referred to above, a party may offer prepared testimony of relevant witnesses in the form of affidavits or declarations, in lieu of presenting direct testimony, under certain conditions, including when a copy of the prepared testimony is served on the opposing party, as specified, and the affiant is available for service of process at a place designated by the proponent within 150 miles of the place of trial and at least 20 days prior to trial, but existing law does not specify the length of time the affiant must be available for such service of process.

This bill would specify that the affiant must be available for service of process for a reasonable period of time during the 20 days immediately prior to trial.

This bill would make other technical changes.

This bill would take effect immediately as an urgency statute.

Ch. 103 (SB 158) Robbins. Air pollution. motorcycles.

Existing law authorizes the State Air Resources Board to adopt emission standards for new 1977 and later model-year motorcyles sold in this state.

This bill would amend the rules and regulations adopted by the state board which established exhaust emission standards applicable to 1984 and later model-year motorcycles with engines of 280 cubic centimeters or greater, to make the exhaust emission

standards for those motorcycles manufactured prior to July 1, 1984, the same as the exhaust emission standards applicable to those motorcycles of the 1982 and 1983 model years, unless the state board provides otherwise by rules and regulations adopted after the date of enactment of the bill.

The provisions of the bill would be repealed on 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. 104 (SB 515) Beverly. Financial institutions.

Existing law provides that, with specified exceptions, any savings or matured time deposit or matured investment certificate or account subject to a negotiable order of withdrawal, or other interest in a financial organization or any deposit made therewith, escheats to the state when the owner has not, for more than 7 years, taken certain actions, corresponded, or otherwise indicated an interest in the funds or deposit.

This bill would specify that these provisions apply as well to demand deposits and accounts. The bill would also provide that reasonable service charges may be withheld with respect to such accounts and such sums are not subject to escheat.

Existing law provides that a savings and loan association may make unamortized loans in an amount equal to 20% of the unpaid principal of all of its loans then in effect provided that 10% of such loans are made pursuant to provisions authorizing experimental residential mortgage loans, as specified, and during such time these provisions are in effect. The provisions authorizing such experimental residential mortgage loans were repealed as of January 1, 1983.

This bill would eliminate these provisions authorizing an association to make unamortized loans.

Existing law provides that a domestic or a federal savings and loan association shall make payment in accordance with a pay-on-death provision, and that the payment shall discharge the association from liability with respect to the moneys so paid, unless prior to the payment the association has been served with a court order restraining the payment.

This bill would provide that the association shall make payment in accordance with a pay-on-death provision and shall be discharged from liability with respect to such payment, except where an adverse claimant delivers an affidavit informing the association that he or she has reason to believe a fiduciary is about to misappropriate the account or property, or the association has been served a restraining order, injunction or other appropriate court order with respect to such funds.

The bill would also make technical revisions.

Ch. 105 (SB 389) Beverly. Deposit of public money: local agencies.

Existing law requires that funds belonging to or in the custody of a local agency be deposited in specified financial institutions or be invested, as prescribed.

(1) Existing law specifies 2 types of deposits, active and inactive. This bill would add a third class of deposit, interest-bearing active deposits.

(2) Existing law enumerates various types of permissible securities to secure the deposits of local agencies This bill would classify the enumerated securities into 2 classes, and would prohibit the interchange of securities between classes without prior approval of the treasurer of the local agency.

(3) Existing law does not provide for penalties for withdrawal of moneys from interest-bearing active accounts. This bill would recognize penalties established by federal law or regulation.

(4) Existing law requires the treasurer of a local agency to render a quarterly statement showing the amount of accrued interest on deposited funds. This bill would establish that requirement only if so required by the legislative body of the local agency.

(5) Existing law prescribes the permissible investment of school district funds.

This bill would, in addition, permit school district funds to be invested in demand deposit accounts which pay money market yields.

(6) The bill would make other related changes

Ch. 106 (SB 111) Presley. Improvement Act of 1911: state highways.

(1) Existing provisions of the Improvement Act of 1911 authorize the legislative body of a city or county to order construction of specified improvements in streets, places, public ways, or property, easements, or rights-of-way, or tidelands, or submerged lands owned by any city, or certain tidelands or submerged lands leased by the state to the city

This bill would authorize the legislative body of a city or county to order construction and installation of the improvements in the right-of-way of a state highway or county road, or in a railroad right-of-way located within or adjacent to the city, or in the right-of-way of a county road which is or will be an extension of a street, public way, or right-of-way of the city if the city or county determines that the public interest or convenience requires the construction and installation and the land to be assessed for the improvement is benefited thereby.

[The bill would authorize the legislative body to order the construction and improvement of a state highway segment under the provisions of the Improvement Act of 1911 if specified conditions have been complied with and a cooperative agreement has been entered into with the Department of Transportation.]*

[These provisions authorizing construction and improvement would be incorporated into the Municipal Improvement Act of 1913.]*

(2) Existing law authorizes a city or county to enter into a cooperative agreement with the Department of Transportation to fund the construction or improvement of a segment of a state highway located within its jurisdiction, and requires the department to construct the project when it is included in the state transportation improvement program.

This bill would authorize a city [or county]* to enter into an agreement to fund the construction or improvement of a state highway segment when the project is included within the state transportation improvement program. ~~The legislative body would be authorized to order the construction and improvement of a state highway segment under the provisions of the Improvement Act of 1911 if specified conditions have been complied with and a cooperative agreement has been entered into with the department. These provisions authorizing construction and improvement would be incorporated in the Municipal Improvement Act of 1913.~~*

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

Ch. 107 (AB 30) McAlister. Claims against public entities: rejection.

Existing law disallows certain claims against public entities not filed within 100 days of accrual of the cause of action, unless leave to present a late claim is requested, and no court action may be filed on the disallowed claim.

This bill would authorize a specified notice of the law respecting late claims to be given, within 45 days of the claim, to any claimant who files late, together with the return of the claim without action. Failure to give such notice would constitute a waiver of the defense of the statute of limitations on such claims, except as specified.

Ch. 108 (SB 672) Stiern. Livestock: indemnity fund: claims.

Under existing law, fees for dog licenses are required to be used by the county, city, or city and county to pay, after specified administrative costs, damages to owners of livestock which are killed by dogs. A claim against those funds is required to be accompanied by the affidavits of two disinterested witnesses executed within 4 days of finding the carcass of the animal. The affidavits are required to fix the value of the livestock and establish beyond reasonable doubt that the animal was killed by a dog.

This bill would authorize any county, city, or city and county to instead require that the claim for damages to livestock be accompanied by a specified statement by the local animal control officer and by proof from the owner of the livestock to establish the value of the animal.

Ch. 109 (SB 553) Craven. Municipal water district taxes.

Under existing law, municipal water district taxes may be levied upon property within the district.

This bill would specify that a mobile home which occupies a rental space and is not permanently attached to the land is not property subject to ad valorem property taxes for debt service of the district or of any improvement district therein.

Ch. 110 (SB 116) Carpenter Dentistry

Existing law does not require dentists to mark dentures with any patient's identifying marks.

This bill would require that any dentures fabricated by, or pursuant to, an order of a dentist are to be marked with the name initials, or social security number of the patient for identification purposes unless the patient objects. The dentist would be required to retain records relating to the marked dentures, as specified. Violation of the bill by a dentist would constitute unprofessional conduct under the Dental Practice Act.

Ch. 111 (AB 149) Hannigan. Grand juries.

Existing law provides that, until July 1, 1984, if the superior court so decides, the terms of some grand jurors shall commence on July 1, and some shall commence on January 1, so that at least half the members of a grand jury were members of the grand jury impaneled in the previous year.

This bill would delete the repeal on July 1, 1984, of those provisions.

Existing law prescribes the oath to be taken by each member of the grand jury.

This bill would revise the oath as specified.

Ch. 112 (AB 73) Costa. Real property.

Under existing law, when an obligation secured by a deed of trust or mortgage on real property has become due by reason of default, the trustor or mortgagor is entitled to cure the default within certain time periods, and a notice of default is required to be recorded and mailed to certain persons.

This bill would provide that if the default is cured, the beneficiary, the mortgagee, or their successors would be required to record a notice of rescission which rescinds the declaration of default upon written request.

Ch. 113 (AB 2056) Isenberg. Grant Joint Union High School District: transfer of funds.

Existing law limits the amount of moneys held in any school district fund or account which may be temporarily transferred to another fund of the district in a fiscal year to 75% of the maximum of moneys held in the fund or account during the fiscal year.

This bill would exempt the Grant Joint Union High School District from that limitation for the 1982–83 and 1983–84 fiscal years. This bill would specifically permit that school district to transfer moneys from the district deferred maintenance fund to another fund in the 1982–83 and 1983–84 fiscal years. This bill would provide for the repayment of the deficit during the 1983–84, 1984–85, 1985–86, and 1986–87 fiscal years.

This bill would take effect immediately as an urgency statute.

Ch. 114 (AB 1120) Sher. Probate sales: commissions and compensation.

Existing law authorizes the executor or administrator of a decedent's estate to enter into a written contract with bona fide agents or brokers to secure a purchaser for any real or personal property of the estate, and provides that the contract may provide for the payment of a commission out of the sale proceeds.

This bill, in addition, would require a court, as specified, to give consideration to any agreement between an agent or broker who has a written contract and any cooperating agent or broker whose bid was returned to the court for confirmation, as to sharing any compensation or commission, as specified.

Ch. 115 (AB 882) Lancaster. Insurance: excess funds investments.

Existing law authorizes any domestic incorporated insurer to invest its excess funds in bonds issued by any state, the Commonwealth of Puerto Rico, or by any city, county, or city and county of any state or of the commonwealth, or by any department or board of such city, county, or city and county, or of the commonwealth, or by any district, state or governmental agency or authority, including any governmental agency or authority of the Commonwealth of Puerto Rico, payable solely out of the revenues from a revenue-producing utility or facility owned, controlled, or operated by the issuer of such bonds.

This bill would instead provide that excess funds investments may be made in any debt obligation issued by the United States, a federal agency or entity authorized to issue debt obligations by federal statute, the Commonwealth of Puerto Rico, its agencies and political subdivisions; any state, its agencies or political subdivisions, or by any city, county, or city and county, or by any department or board of such city, county, or city and county, whether issued in bearer, registered, or book-entry form.

The bill would also provide that excess funds investments may be made in all deposits and debt obligations of banks or savings and loan associations, including certificates of deposit, bankers' acceptances, and commercial paper.

Ch. 116 (AB 858) Bradley. County tax records.

Under existing law, in effect until January 1, 1985, if the assessor, pursuant to the request of any party, provides information or records that the assessor is not required by law to prepare or keep, the county may require that a fee reasonably related to the actual cost of developing and providing that information be paid by the party receiving the information. That provision applies only to a county with a population which exceeds 4,000,000.

This bill would delete the language that those provisions apply only to a county with a population which exceeds 4,000,000.

Ch. 117 (AB 856) Bradley. County sanitation districts.

Existing law permits the board of supervisors of any county to adopt a model county sanitation ordinance in the same manner as other ordinances are adopted and permits the board of directors of a county sanitation district to adopt all or any part of that model ordinance by reference, subject to the requirement that the district board publish notice to that effect in a newspaper of general circulation in that district.

This bill would delete the requirement that notice be given in a newspaper of general circulation if the board of supervisors serves as the board of directors for the county sanitation district.

Ch. 118 (AB 318) Bergeson. Decedents' estates: investment

Existing law authorizes the executor or administrator who has been granted authorization to administer the estate without court supervision, unless restricted by the will, to invest and reinvest in direct obligations of the United States maturing not later than one year from the date of making the investment or reinvestment.

This bill would instead authorize the executor or administrator to invest or reinvest in eligible securities for the investment of surplus state moneys which include specified obligations of the state and federal government, and specified commercial obligations.

Existing law authorizes the guardian or conservator of an estate, without prior court authorization to invest funds of the estate in specified obligations of the United States or this state, specified United States Treasury bonds, and stocks, bonds, and other securities listed on stock or bond exchanges.

This bill would also authorize the guardian or conservator, without prior court authorization, to invest in eligible securities for the investment of surplus state moneys, including specified obligations of the state and federal government and specified commercial obligations.

It also would make additional changes in Section 591.6 of the Probation Code contingent upon the chaptering of AB 24, as specified.

Ch. 119 (AB 756) McClintock. Property taxation. roll changes

Existing property tax law requires that the assessor initiate an action with the board of supervisors in order to make assessment roll changes regarding specified claimed property tax exemptions whenever applications for those exemptions or the findings of the board regarding those applications are received by the assessor after completion of the roll. Upon the board's approval, the county auditor is required to make the roll adjustment.

This bill would delete the requirement that the assessor initiate an action with the board in order to make roll changes, and would delete the requirement of board approval as a prerequisite to the auditor making the roll adjustment.

Ch 120 (SB 1275) Ellis Property taxation

Existing property tax law provides, with respect to the 1982–83 fiscal year and fiscal years thereafter, for a "religious exemption" for property used exclusively for religious purposes Existing law also establishes a procedure for the claiming of that exemption.

This bill would make the exemption applicable to fiscal years preceding the 1982–83 fiscal year, commencing with the 1977–78 fiscal year.

Existing law also provides for partial cancellation or refund of taxes, penalties, and

interest in connection with property eligible for one of various exemptions, but for which a timely application for exemption was not filed, if an application for exemption is subsequently filed, as specified.

This bill would provide for the total cancellation or refund of taxes, penalty, and interest with respect to property as to which the church or religious exemption was available if they are imposed upon property entitled to relief under the aforementioned provisions of existing law for which an appropriate claim for exemption is filed on or before March 1, 1984, and a specified filing fee for each year is paid.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 121 (SB 567) Ayala. Alcoholic beverages.

Existing law prohibits the sale or offering for sale, of any alcoholic beverage within one-half mile of land on which any state prison, or within 1900 feet of land on which any Youth Authority institution, is situated. The law provides that the distance shall be measured by the shortest highway.

This bill would provide that in measuring distances from the eastern facilities of the California Institution for Men at Chino and Youth Training School, the measurement shall start at the entrance gate.

Existing law provides that any club which holds an on-sale general license which was originally issued to it prior to April 1, 1947, and which transfers its on-sale general license to another person shall not be eligible to apply for a club license for a period of at least one year following the date of transfer of its on-sale license.

This bill would provide that notwithstanding those provisions of existing law, upon the finding by the Department of Alcoholic Beverage Control that exceptional circumstances exist, the department may accept an application for a club license by a qualified organization which had held an on-sale general license at the same premises within a year immediately preceding the date of the filing the application. This provision would be operative only for 60 days following the effective date of the act.

The bill would also take effect immediately as an urgency statute.

Ch. 122 (AB 174) Young. Ballots. state measures.

Existing law requires that all state measures appearing on the ballot be numbered in numerical order.

This bill would provide that state ballot measures be numbered in an ongoing numerical sequence, beginning with the November 2, 1982, general election, commencing with the number 1 and continuing for a period of 20 years. The bill would thereafter provide for a recurring process of 20-year cycles. The bill would thereafter provide for a recurring process of 20-year cycles.

Ch. 123 (AB 341) Harris Judicial arbitration.

Under existing law, in counties in which there are fewer than 10 superior court judges and in which local rules have not been adopted requiring certain civil actions to be arbitrated, and in all municipal and justice courts, a plaintiff may file an election to have his or her cause arbitrated, upon agreeing that the arbitration award shall not exceed $15,000.

This bill would require any election to be filed no sooner than the filing of the at-issue memorandum, and no later than 90 days before trial, or at a later time if permitted by the court.

Existing law provides that submission of an action to judicial arbitration does not toll the running of the time periods after which an action may be dismissed for want of prosecution or for failure to cause the action to be brought to trial, as specified, except that if a case is submitted to arbitration pursuant to a court order within 6 months of the expiration of the applicable time period, the time period would be tolled until the

arbitration award is filed.

This bill would specify that submission of an action to judicial arbitration would not suspend the running of the above-specified time periods, except as otherwise specified.

Ch. 124 (AB 735) Bronzan. Counties: real property purchases.

(1) Existing law requires a county, when purchasing real property the price of which exceeds $3,000, to publish or post a specified notice of intention to purchase.

This bill would increase the price limit above which such notice of intention is required, from $3,000 to $25,000.

(2) Existing law empowers a county board of supervisors to receive in the name of the county, conveyances of all real property purchased by the county.

This bill would authorize the board of supervisors of a county to provide by ordinance for a county officer to perform all acts necessary to approve the acquisition of any interest in real property having a purchase price not exceeding $25,000.

Ch 125 (AB 546) Isenberg. Districts. initiative procedure.

Existing law provides a general procedure for the qualification and submission of an initiative measure in most special districts.

This bill would provide a detailed procedure with respect to the publication or posting of a notice to circulate an initiative petition, the filing of an affidavit regarding the publication or posting, and the permissible circulation period for circulating a district initiative petition for signature.

Ch. 126 (AB 880) Klehs. Health plans: discontinuance.

The Knox-Keene Health Care Service Plan Act of 1975 and provisions of the Insurance Code relating to policies of disability insurance, nonprofit hospital service contracts, and self-insured welfare benefit plans contain provisions for the discontinuance and replacement of group health care service plan contracts, policies of disability insurance, nonprofit hospital service contracts, and self-insured welfare benefit plans, and defines certain terms for the purpose of those provisions.

This bill would clarify the definition of "discontinuance" for the purpose of these provisions.

The bill would also state legislative intent.

Ch. 127 (AB 1045) Bader. Registered dairy inspectors: examination eligibility.

Existing law authorizes a person to take a state employment examination for the position of registered dairy inspector if the person possesses any one of several qualifications including the person having had at least 3 years of experience in this state with an approved milk inspection service or with the Department of Food and Agriculture in specifically related work, or that the person was employed as a registered sanitarian in the state for the past 10 years, as specified.

This bill would repeal those qualifications from the list of possible qualifications that make a person eligible to take the examination for registered dairy inspector.

Ch 128 (AB 1370) Moorhead Mobilehome residence.

Existing law prohibits the management of a mobilehome park from charging a person who has a tenancy in a mobilehome park under a rental agreement (homeowner) a fee for a guest who does not stay with the homeowner more than 20 consecutive days or more than 30 days in a calendar year.

This bill would in addition authorize a homeowner who is living alone to share the mobilehome with one person, would consider that person a guest of the homeowner and would prohibit management from imposing a fee for the one person The bill would further provide that any agreement between the homeowner and that person would not change the terms and conditions of the rental agreements between the homeowner and the management.

Ch. 129 (AB 1825) Lancaster. Housing: building standards

Existing law requires, with specified exceptions, building standards adopted by the Department of Housing and Community Development and submitted by the Building Standards Commission pursuant to statutes and rules and regulations to impose substantially the same requirements contained in designated uniform industry codes.

This bill would specify that the rules and regulations referred to are contained in Title 24 of the California Administrative Code It would also make various nonsubstantive corrections.

Ch. 130 (AB 1003) Elder. Public retirement and pension trust funds. investments.

Existing law specifies investments that may be made under the County Employees Retirement Law of 1937 and the statutes relating to pension trusts of local agencies.

This bill would authorize, under both statutes, purchasing and selling exchange-traded call options, as specified, and, under the statutes relating to pension trusts of local agencies, entering into security loan agreements, as specified, and would validate certain prior actions regarding exchange-traded call options taken under CERL, as specified.

Ch 131 (AB 153) Farr. Marine resources

(1) Existing law provides, until January 1, 1988, a system for allocating limited entry into the commercial salmon fishery Under that law, the Department of Fish and Game is required to issue a commercial salmon vessel permit to a person who possessed a commercial salmon permit prior to August 11, 1982, and who has met other specified requirements, including a natural person who had a commercial salmon permit and had, prior to August 11, 1982, obtained, as specified, a vessel with good faith anticipation of the entry of that vessel into the California salmon fishery.

This bill would also provide that a person who purchases an interest in a vessel with that anticipation has met that specified requirement. The bill would also make specified findings related to the commercial salmon fishery, shorten the repeal of the limited entry salmon provisions to January 1, 1986, require that the department issue permits to other specified persons, and make other related changes.

(2) Existing law requires the Commercial Salmon Fishing Review Board to make specified recommendations to the department regarding vessel permits.

This bill would require the department to present these recommendations to the Fish and Game Commission.

(3) Existing law regulates the taking of squid for commercial purposes north of Point Conception.

This bill would expressly authorize the taking of squid north of Point Conception, except the commission would be authorized to regulate the days of the week and times of the day when squid may be taken.

(4) Existing law authorizes the Director of Fish and Game to prohibit the use of gill nets or trammel nets in Fish and Game District 10 and a specified portion of District 17 upon determining that specified seabirds or marine mammals are endangered by the nets.

This bill would also authorize the director to restrict the use, method of use, size, or materials used in the construction of the nets and would extend that authority to include a portion of District 18 and make other changes relating to required public hearings, the length of the term of the prohibition, and extension of the prohibition

(5) Existing law defines and regulates the use of trawl nets

This bill would prohibit any person possessing or operating any type of trawl net on a vessel from taking salmon on that vessel

(6) Existing law regulates the business of aquaculture in this state. Existing law also authorizes the commission to lease state water bottoms to any person for aquaculture. The leases are required to contain a specified period prior to expiration when renewal of the lease may be requested. If a request for renewal is made by the lessee, the commission is required to advertise for bids on the lease. The lessee has the right to renewal by meeting the highest lease bid obtained

This bill would exclude specified ornamental marine or freshwater plants and animals from the regulations of aquaculture and the bill would instead provide that, if during the specified period prior to expiration of the lease, the lessee, as determined by the commission, is still actively engaged in aquaculture, the lessee would have a prior right to renewal at terms agreed upon between the commission and the lessee. The commission would also be required to advertise for bids on the lease if the commission and the lessee do not agree on the lease renewal terms The bill would require the commission to consider bids only from registered aquaculturists, as specified The bill would also provide that for leases in effect on January 1, 1983, the lessee would have a prior right

of renewal of the lease. The bill would also eliminate the prohibition on a lease that may tend to foster a monopoly and would limit the maximum term of 25 years on leases to apply only to an initial term of a lease.

(7) Existing law specifies a minimum rental fee for state water bottom leases of $10 per acre for all species cultivated.

This bill would decrease the minimum $10 per acre rental fee for these leases to $2 per acre for all species cultivated except where the acreage applied for is 10 acres or less, in which case the minimum acceptable rental fee would be $10 per acre. The bill would create an exception to the minimum acre rental fee for oyster leases in effect on January 1, 1983, for which the minimum fee would be $1 per acre until the lease expires. The bill would also require any person operating under an oyster lease to pay an exclusive privilege tax of $0.02 per packed gallon or fraction thereof of shucked oysters harvested by the lessee, as specified.

(8) The bill would conform the definition of "aquaculture" in provisions relating to occupational safety and health, the Coastal Conservancy Act, and taxation to the definition of that term in the bill.

(9) Existing law requires the State Coastal Conservancy to prepare and submit specified final reports on the adequacy of onshore support facilities needed by the California commercial fishing industry by June 1, 1983, to the Legislature.

This bill would, instead, require those reports by January 1, 1984.

(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 impose a state-mandated local program by creating a new crime.

However, the 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.

Ch. 132 (AB 559) Lancaster. Credit unions: profits.

(1) Existing law specifies the formula for determining the undivided profits of a credit union.

This bill would revise that formula to provide for deduction from earnings of provisions for losses, rather than losses, in excess of a credit union's regular reserve, and to provide that the undivided profit at the end of the dividend period includes the balance of retained earnings from all prior periods.

(2) Existing law provides that if the dissolution of credit union is voted, the board of directors of the credit union shall elect a committee of three members or may by resolution appoint a liquidating agent to liquidate the assets of the credit union.

This bill would provide that if the Commissioner of Corporations is appointed liquidating agent, the commissioner may act as liquidating agent or appoint either the National Credit Union Administration or the California Credit Union Share Guaranty Corporation as liquidating agent. The bill would also provide that whenever the commissioner is appointed liquidating agent, the credit union shall surrender its certificate to act as a credit union.

Ch. 133 (SB 203) McCorquodale. Parks and recreation: local assistance grants.

(1) Under the California Parklands Act of 1980, grants may be made to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, and historical resources preservation purposes.

This bill would specify that funds appropriated for those grants shall be encumbered by the recipient within 3 years of the date the appropriation became effective, regardless of the date when the project was approved.

(2) The Budget Acts of 1981 and 1982 appropriate moneys from the State, Urban, and Coastal Park Fund and the Parklands Fund of 1980 to the Department of Parks and Recreation for local assistance grants for various park and recreation capital outlay projects

This bill would provide that those funds appropriated in the Budget Act of 1981 are available for encumbrance until June 30, 1984, except as specified, and that those funds

appropriated in the Budget Act of 1982 are available for encumbrance until June 30, 1985. The bill would also provide that this does not constitute a change in, but is declaratory of, existing law.

(3) Under the Z'Berg-Collier Park Bond Act, a local assistance grant was made to the City of Firebaugh for Andrew Firebaugh Historical Park.

This bill would authorize the city to sell a specified 1.8-acre parcel of that park if the city (a) sells the property for at least fair market value, (b) uses the proceeds of the sale for replacement park and recreation facilities in the city 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.

(4) The bill would also provide that any appropriation in the 1983–84 fiscal year and any subsequent fiscal year for a local assistance grant for capital outlay projects for parks and recreation to any city of over 2,000,000 which has in effect vehicle use fees or other park entry fees for any park in that city shall be encumbered within one year of the effective date of the appropriation.

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

Ch. 134 (AB 181) Filante. Veterans cremation.

Under existing law, a county may grant financial assistance to indigent veterans, including necessary expenses for burial or cremation not to exceed $75, administered through a qualifying military, naval, or marine organization formed for the purposes of assisting indigent veterans. Existing law also directs the board of supervisors of each county to designate an honorably discharged soldier, sailor, or marine to oversee the burial, at county expense, of the body of any veteran or widow of a veteran dying in the county and not having sufficient means to meet the expenses of burial, as specified, and limits the expenses to the county in this regard for each burial or contribution to $250. For these purposes "veteran" is defined to mean an honorably discharged soldier, sailor, marine, or nurse who has served in or with the army or navy of the United States

This bill would redefine "veteran," for these purposes, as any person honorably discharged from the armed forces of the United States and would expand these latter provisions to permit cremation as well as burial, except that it would specify that the right to select between burial or cremation remains in the surviving spouse, surviving child or children, surviving parent or parents, person or persons of the next degree of kindred as specified by law, or the public administrator when the deceased has sufficient assets, in that order

Ch. 135 (AB 329) Robinson. Higher education employer-employee relations: California State University: meeting and conferring.

Existing law governing employer-employee relations for the California State University requires the parties to begin meeting and conferring on terms and conditions of employment at least 60 days prior to the expiration of memoranda of understanding, or the May 1, if earlier, of any year in which a memorandum shall expire, or May 1, if there is no existing memorandum.

This bill would instead require the parties to begin meeting and conferring sufficiently in advance of the adoption date of the final budget for the ensuing year so that there is adequate time for agreement to be reached, or for the resolution of an impasse.

Ch 136 (AB 389) Sher. Liability.

Under existing law, any person is responsible for the results of that person's willful acts causing injury to a peace officer, firefighter, or any emergency medical personnel employed by a public entity and for any injury occasioned to that person by the want of ordinary care or skill in the management of the person's property or person in specified situations.

This bill would additionally make any person responsible for any injury to a peace officer, firefighter, or any emergency personnel employed by a public entity occasioned by the person's want of ordinary care or skill in the management of the person's property where the conduct causing the injury is arson

Ch. 137 (AB 482) Harris. Decedents' estates.

Existing law provides that a trustee of a testamentary trust which was created by a will executed before July 1, 1977, and which is not subject to the continuing jurisdiction of the superior court, is required to give notice by registered or certified mail to each beneficiary, of certain rights relating to the trust.

This bill would revise the notice, as specified, and would provide that notice may be given, in the alternative, by first-class mail on the condition that an acknowledgment of receipt of notice is signed by the beneficiary and returned to the trustee.

Existing law provides that where the trustee of a testamentary trust created by a will executed prior to July 1, 1977, is not a trust company, the trustee may only remove the trust from the continuing jurisdiction of the superior court with the approval of the court. The trustee is required to file a petition with the superior court of the county in which is located the principal place of administration of the trust, that is, the trustee's usual place of business.

This bill would expressly provide that nothing in these provisions shall be interpreted to require a trustee to file such a petition.

The bill would also provide that the trustee may file the petition for removal of the trust from the court's supervision in either the superior court of the county in which is located the principal place of administration of the trust or the superior court having jurisdiction of the decedent's estate prior to removal.

Existing law provides that the trustee of a testamentary trust which was created by a will executed before July 1, 1977, and which is not subject to the continuing jurisdiction of the superior court, is required to furnish, at least annually, and at the termination of a trust, a statement of the income and principal receipts and disbursements that have occurred to the income beneficiary, and, upon written request to the trustee, to any other beneficiary or remainderman. The trustee is also required to furnish an annual summary of specified information relating to the trust to all beneficiaries and remaindermen.

This bill would clarify the language of the above provisions which require the trustee to furnish an annual statement of income and principal receipts and disbursements. The bill would also provide that the trustee shall annually furnish the specified summary of trust information to each income beneficiary and, upon written request to the trustee, to each other beneficiary or remainderman.

The bill would also specify that unless a trust where no trustee is a trust company is removed from the continuing jurisdiction of the court with the court's approval, the trustee of the trust is not required to comply with the requirements to furnish these notices, statements, and annual summaries to beneficiaries and remaindermen, as specified.

The bill would also provide that no filing fee shall be required of any petitioner in a proceeding involving the administration of a trust created by a will executed before July 1, 1977, and which was previously subject to the continuing jurisdiction of the superior court.

This bill would take effect immediately as an urgency statute.

Ch. 138 (AB 638) McAlister. Trusts

Existing trust law provides for merger where an equitable and a legal estate meet in the same person.

This bill would, with respect to a voluntary trust, provide that it not be deemed invalid, merged, or terminated if the trustor is also the sole trustee and sole beneficiary during the trustor's lifetime, or if there are 2 or more trustors, one or more of whom is a trustee, and the beneficial interest in the trust is in the trustors during the lifetimes of the trustors, so long as the trust provides for one or more successor beneficiaries or remaindermen following the death of the trustor. The bill would apply to any voluntary trust created prior to, on, or after January 1, 1984.

Ch. 139 (AB 738) Harris. Alameda-Contra Costa Transit District.

Under existing law, the purchase of supplies, equipment, and materials, and the construction of facilities and works, by the Alameda-Contra Costa Transit District exceeding $10,000 is required to be by contract let to the lowest responsible bidder.

This bill would raise this amount to $25,000 as to the purchase of supplies, equipment, and materials.

Ch. 140 (AB 1044) Bader. Driving offenses: fines: alcoholism program.

Under existing law, $50 for each conviction of specified reckless driving and driving under the influence is required to be deposited for allocation by the administrator of the county's alcoholism program with the approval of the board of supervisors, for alcohol programs and services for the general population

This bill would require that the $50 deposit be made from each fine for such a conviction.

Ch 141 (AB 1254) Calderon Discovery: further responses

Under existing law a party who wishes to compel further response than the response previously made to interrogatories or requests for admissions is required to make a noticed motion, therefor, within 30 days from the date of service of the responses, unless the court for good cause shown enlarges that period of time.

This bill would extend the 30-day time period to 45 days.

Ch. 142 (AB 1390) Harris. Maintenance of the 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 1983, and would not make any substantive change in the law.

Ch. 143 (AB 1949) Hughes. California State University

Under existing law, a system of public higher education in California has recently had its title changed from the California State University and Colleges to the California State University (Ch. 638, Stats. 1981). This was accomplished by means of an override statute which superseded inconsistent designations.

This bill would conform the language of various sections of various codes to the newer designation of California State University.

This bill would, in addition, make various technical changes.

Ch 144 (AB 1817) Johnson. Bail.

Existing law provides that if an assessment is made against the surety on a bail bond or a person making a deposit of money in lieu of a bond as a condition of discharging a forfeiture of the undertaking of bail or the deposit, 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 specify that these requirements apply under these circumstances where the surety rather than the bail agent is not in court.

Ch 145 (AB 866) Young Vehicles maximum width

(1) With certain exceptions, existing law limits vehicle width to 96 inches.

This bill would authorize a vehicle width of not more than 102 inches, exclusive of specified equipment which could extend beyond that width, as provided in the bill The bill would make related conforming changes. The bill would require the California Highway Patrol to conduct tests relating to the dynamic stability of vehicles utilizing the greater body width permitted by the bill

(2) Existing law prescribes a general length limitation of 65 feet for combinations of vehicles, except for specified truck-semitrailer combinations, which may not exceed 60 feet Also, local jurisdictions may adopt 60-foot length limitations. Existing law also regulates the use of vehicle extensions and load placement

This bill would increase the maximum length for truck tractor, semitrailer, and trailer combinations to 75 feet The bill would create an exemption from state length limitations for combinations of vehicles with respect to travel upon the National System of Interstate and Defense Highways and specified federal-aid primary highways The exemption would also be applicable for specified limited travel off these highways For purposes of the exemption, the bill would limit a semitrailer to 48 feet when it is used in exclusive combination with a truck tractor. With a specified exception, the bill would limit a semitrailer and trailer to 28 feet each when both are in combination with a truck tractor The bill would prohibit load projection on vehicle combinations over 75 feet in length.

(3) The term "trailer" is defined for purposes of the Vehicle Code to exclude any vehicle which is constructed so that a portion of its weight rests on another vehicle

This bill would include in the definition of "trailer" a semitrailer with a portion of its weight supported by a prescribed auxiliary dolly

(4) Existing law makes it an infraction to violate the terms or conditions of a special permit authorizing transportation on the highways of an oversize or overweight load.

This bill would make an employee or independent contractor, but not the permitholder, criminally liable for transporting an extralegal load, as defined by the bill, on a route not designated in the permit if the employee or independent contractor has been provided written direction on the route of travel and deviation from the route is not ordered by a peace officer.

The bill would make persons convicted of transporting an extralegal load that is oversize without a special permit subject to imprisonment in the county jail not exceeding 6 months, a fine not exceeding $500, or both the fine and imprisonment. By increasing the penalty for this offense to include a term of imprisonment in the county jail, the bill would impose a state-mandated local program.

(5) Existing law specifies a schedule of fines for weight violations. Existing law precludes suspension of those fines upon a second or subsequent conviction for a weight violation.

This bill would revise the schedule of fines for weight violations, and would preclude suspension of the fine on the basis of a previous violation only if conviction thereof occurred within 3 years of the offense charged. The bill would also preclude suspension of the fine for violations exceeding 4,000 pounds overweight. The bill would require a court to exercise discretion in imposing such fines for weight violations not exceeding 1,000 pounds if the vehicle was hauling only unprocessed bulk agricultural or forest products, as specified

(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.

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

Ch. 146 (SB 75) Craven Cal-Vet: maximum purchase price.

Under existing law, the Department of Veterans Affairs may expend not more than $55,000 for the acquisition or construction of a home or for acquisition of a mobilehome sited on a lot owned by the purchaser and installed on a foundation, not more than $35,000 for acquisition of a mobilehome to be sited in a mobilehome park, and not more than $180,000 for the acquisition of a farm, for purposes of sale to a veteran purchaser pursuant to the Cal-Vet farm and home purchase program.

This bill would increase this limit to $75,000 in the case of a home or a mobilehome to be sited on the owner's lot and installed on a foundation, $55,000 for a mobilehome to be sited in a mobilehome park, and $200,000 in the case of a farm, and would make these increased benefits available only to applicants filing therefor on and after the effective date of this bill

The bill would take effect immediately as an urgency statute.

Ch. 147 (SB 1088) Deddeh. County Employees Retirement Law of 1937: annual benefit increases.

(1) A provision of the County Employees Retirement Law of 1937 presently authorizes counties to elect annually, under specified conditions, to be subject to certain annual benefit increases for members whose specified accumulations meet certain requirements.

This bill would eliminate certain of those conditions

(2) 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 supplemental cost-of-living increase provision which would apply only to current retirees, beneficiaries, and survivors

Ch. 148 (SB 138) Vuich. Municipal Improvement Act of 1913.

Under the Municipal Improvement Act of 1913, any surplus in an improvement fund is required to be used, in amounts determined by the legislative body of the city or county, for (1) transfer of a limited amount to the general fund of the city or county, (2) a credit to the assessment or supplemental assessment in a specified manner, and (3) maintenance of the improvement. If amounts are credited to an assessment, any interest earned from investment of the surplus is required to be transferred to the general fund of the city [or county]*.

This bill would require, when amounts are credited to an assessment, that interest earned from the investment of the surplus be transferred to the general fund of the city [or county]* if the surplus attributable to an individual remaining assessment is $50 or less, but that interest earned, less administrative costs, on the surplus attributable to an individual remaining assessment greater than $50 be applied as a credit to the assessment.

Ch. 149 (SB 324) Ayala. Government of counties: deeds or grants.

Under existing law, a political corporation or governmental agency, by a general resolution, may authorize an officer or agent to consent to and accept specified deeds or grants.

This bill would enable political corporations or governmental agencies to authorize one or more officers or agents to consent to and accept these deeds or grants.

Ch. 150 (SB 427) Johnson. State Board of Registration for Professional Engineers.

Existing law provides for the State Board of Registration for Professional Engineers, within the Department of Consumer Affairs.

This bill would rename that board the State Board of Registration for Professional Engineers and Land Surveyors.

Ch. 151 (SB 488) B. Greene. Osteopathy.

Existing law provides that fictitious name permits issued by the Board of Osteopathic Examiners may be renewed on payment of a fee equal to the annual tax and registration fee. The annual tax and registration fee is to be fixed by the board at not more than $400 or less than $25.

This bill would provide that the initial permit fee shall not exceed $100 and the renewal fee shall not exceed $100.

Ch. 152 (SB 586) Lockyer. Public employees payroll deductions.

Existing law authorizes payroll deductions, as specified, for employees of public agencies, other than those under the uniform payroll system, to be administered by the appropriate officer of the public agency.

This bill would limit this authority, with respect to these deductions, to state employees of public agencies.

Ch. 153 (SB 673) Stiern. Cottage cheese.

(1) Under existing law, the moisture and fat standards for cottage cheese with added food matter are the same as cottage cheese without added food matter.

This bill would authorize reducing the moisture and fat standards for cottage cheese with added food matter by the percentage amount of the added food matter.

(2) Under existing law, any chives, fruits, or vegetables which are added to cottage cheese are required to be listed on the label of each package in the order of predominance by weight.

This bill would instead require the listing to be shown on the principal display panel following the product name with the word "and" or "with" preceding the common name or usual name of the chives, fruits, or vegetables added.

(3) Under existing law, if a milk product is processed or manufactured by an acidification process instead of, or in combination with, cultures, the word "acidified" is required to be a part of the name of the product and to be included in the label of the product.

This bill would state that, if cottage cheese is manufactured by an acidification process, the term "directly set" may be substituted for the word "acidified."

Ch. 154 (SB 231) Dills. State civil service employees. adverse actions.

Existing law provides that a state civil service employee who has been served with notice of adverse action, or an attorney designated by the employee, has the right to inspect any document in the possession or control of the appointing power which are relevant and admissible in evidence, and the right to interview other employees having knowledge of the acts or omissions upon which the adverse action was based.

This bill would instead provide that the employee, or a representative designated by the employee, rather than an attorney designated by the employee, shall have these rights.

Ch. 155 (AB 99) McAlister. Creditors' remedies.

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 levied upon by a governmental official. Existing law also contains an extensive and comprehensive statutory scheme relative to the enforcement of judgments.

Under existing law, operative July 1, 1983, the amount for which a writ of attachment may issue is subject to reduction in the amount of all claims which would diminish the amount of the plaintiff's recovery.

This bill would revise the Attachment Law to provide that the amount of an attachment may be reduced only by the amount of any money judgment in favor of the defendant and against the plaintiff and the amount of any indebtedness of the plaintiff that the defendant has claimed in a cross-complaint filed in the action, or the amount of any claim of the defendant asserted as a defense in an answer, if the defendant's claim is one upon which an attachment could be issued.

Existing law, operative July 1, 1983, permits registered process servers to levy on certain types of property under a writ of attachment or a writ of execution. It requires the registered process server to file the writ, relevant instructions, and an affidavit of the actions taken in executing a writ with the levying officer within five days after the registered process server levies. The levying officer is then required to perform the remaining duties under the writ and return the writ to the court.

This bill would revise those provisions governing levy of attachment and execution by registered process servers to require the registered process server to file a copy of the writ of attachment or writ of execution with the appropriate levying officer before attempting to levy. It would also require the levying officer's fee to be paid at that time to cover the clerical cost of setting up a file as well as the eventual cost of performing other duties under the writ after levy.

The bill would also make various technical and conforming changes with respect to attachment liens, commencement of interest to accrue on a money judgment, liability of levying officers, levy of execution by registered process servers, execution of a writ of possession by a registered process server, bank and savings and loan associations setoffs and state tax liens, as specified.

This bill would provide alternative procedures regarding a levy upon designated deposit accounts and safe-deposit boxes, as specified.

This bill would make changes in the Enforcement of Judgments Law to conform it to certain other changes made during the 1982 Regular Session, including changes made by Chapter 1072 of the Statutes of 1982.

This bill would authorize the Secretary of State, provided that a cost-savings would be achieved thereby, to prescribe the form for a specified statement regarding satisfaction of judgments and to prescribe the situations when the form is required.

Existing law provides that a judgment lien on an interest in real property that has been transferred subject to the lien is not extended upon recording a certified copy of the application for renewal, as specified, unless proof of service (that a copy of the application for renewal was personally served on the transferee) is filed with the court within 30 days after the filing of the application for renewal.

This bill would increase the number of days within which the proof of service must be filed after the application for renewal is filed to 90 days

Existing law, to become operative July 1, 1983, provides that a referee may be appointed by a court to perform an examination of a judgment debtor or certain third persons, relative to the enforcement of a judgment, and provides that the referee must be an attorney licensed in California

This bill would provide an exception from the requirement that a referee must be an attorney as to any person appointed as a referee prior to July 1, 1983, who is available on that date to perform the duties of a referee.

This bill would incorporate additional changes in Sections 26820.4 and 72055 of the Government Code, proposed by AB 243, SB 150, and AB 493, contingent upon the prior chaptering of AB 243 or SB 150, or both, or AB 493

This bill would take effect immediately as an urgency statute and would become operative on July 1, 1983

Ch. 156 (AB 884) Lancaster Escrow agents.

Existing law provides for the establishment of a nonprofit Escrow Agent's Guaranty Corporation by licensed escrow agents to protect members of the corporation against certain types of losses, and provides that the corporation shall not commence operations unless the amount in the guaranty fund equals $675,000.

This bill would delete the provision that conditions Guaranty Corporations's authority to commence operations upon having $675,000 in the guaranty fund and instead would condition such authority upon a determination of the board of directors of Guaranty Corporation that sufficient money has been deposited in the guaranty fund.

Existing law requires Guaranty Corporation to furnish a bond indemnifying members against loss of trust obligations, as specified, and requires that the bond equal a designated amount as of April 15 of each year.

This bill would require the bond to equal the designated amount at all times and would revise the amount of liability, as specified.

This bill also would revise the dates or time requirements by which certain requirements must be met by Guaranty Corporation.

The bill would also revise the details regarding establishing and maintaining the guaranty fund and member obligations therefor and would make other related changes

The bill would take effect immediately as an urgency statute.

Ch. 157 (SB 370) Dills. County superintendents of schools: transfer of duties.

(1) Under existing law, the county board of supervisors may transfer certain duties of the county auditor to the county superintendent of schools. The maximum tax rate of the county superintendent of schools is required to be increased by an amount sufficient to produce annual revenues equivalent to the expenditures from the county general fund used to provide those services of the county auditor in the fiscal year immediately following the date of the transfer of duties to the county superintendent of schools

This bill would require that, if the transfer of duties occurs, the revenue limit amount computed for the county superintendent of schools be increased, commencing with the fiscal year in which the effective date of the transfer occurs, by an amount equivalent to the expenditures from the county general fund used to provide those services of the county auditor in the fiscal year immediately prior to the transfer of duties. This bill would require that the amount of the increase be mutually agreed upon by the board of supervisors and the county superintendent of schools, and that the revenue limit be adjusted by the amount of the increase before it is adjusted for inflation.

This bill would also require that the county auditor add the agreed amount to the allocation of local property tax revenues to the county superintendent of schools. The amount would be added in each fiscal year commencing with the fiscal year in which the effective date of the transfer occurs, from the county's allocation of taxes and would be increased by the percentage growth in the taxable assessed value from the equalized assessment roll for the county

The provisions of this bill would become operative July 1, 1983

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

Ch. 158 (SB 169) Johnson. Counties. real property.

Existing law authorizes a county or a city and county owning a building site to enter into a lease or agreement with a private person, firm, or corporation under which the property would be leased to the private entity which, in turn, would construct a building or buildings thereon, to be jointly occupied by the county or city and county and the private entity It prescribes procedures to be followed for receiving plans and proposals

for such joint occupancy.

This bill would also authorize a county or city and county to contract to acquire a condominium interest in real property to be used jointly by the county or city and county and a private person, firm, or corporation, and would prescribe requirements relating to the acquisition of such interests by a county or city and county.

Ch. 159 (SB 566) Robbins. Financial institutions: banks and savings and loan associations

Existing law requires banks and savings and loan associations to maintain and disclose information regarding consumer bank account charges and savings and loan association account charges, respectively, as specified.

This bill would (1) include within the types of accounts subject to such disclosure requirements those accounts defined in regulations promulgated pursuant to Section 3502 of Title 12 of the United States Code, (2) require banks and savings and loan associations to maintain information regarding the circumstances under which a variation in the rate of interest may occur, including, if any, the index or formula to be utilized in determining the variation; and (3) provide that banks or savings and loan associations need not furnish information to a depositor regarding a change in the rate of interest or method or frequency of computing or paying interest 15 days prior to the effective date of such change with respect to an account as to which the rate of interest applicable to all or any portion of the account balance may vary, whether or not pursuant to a specified index or formula.

This bill would declare that specified changes it proposes to make do not constitute a change in, but are declaratory of, the existing law.

This bill would take effect immediately as an urgency statute.

Ch. 160 (SB 750) Ayala. Courts: San Bernardino County.

Existing law sets the filing fees for the superior court in San Bernardino County.

This bill would provide for additional fees in the superior court in San Bernardino County based upon services of a court reporter and provide for their taxation as costs.

The bill would take effect immediately as an urgency statute.

Ch. 161 (SB 1218) Marks Peace officers.

Existing law provides that certain persons who are not peace officers may exercise designated powers of arrest of a peace officer during the course and within the scope of their employment, if they complete a designated course.

This bill would include persons regularly employed as security officers of health facilities, as defined, owned and operated by cities, counties, and cities and counties, and under designated conditions.

Ch 162 (AB 681) Jones California water districts assessments.

Under existing law, the assessor of a district organized under the California Water District Law is required to assess land within a district at its full cash value.

This bill would permit the board of directors of the district to, instead, provide for an alternative method of valuation based upon the benefits bestowed on the land by directing the assessor to adopt as the assessed value of all land in the district an amount determined by the board, in accordance with prescribed procedures, to reflect the proportional benefits bestowed on the property assessed by the operation of the district. The bill would require the board, in this case, to adopt a schedule of valuations on a per acre basis, or fraction thereof, for agricultural land and on a parcel, acreage, or square foot basis for nonagricultural land and would specify related matters.

The bill would prohibit a district from receiving property tax revenues if it uses the proposed alternative method of valuation

The bill would take effect immediately as an urgency statute.

Ch 163 (AB 1605) N. Waters Condominium units. modification.

Under existing law, a recorded declaration of restrictions or other restrictions may serve to prevent the owner of a condominium unit from modifying the unit.

This bill would grant to a blind person, visually handicapped person, deaf person, or other physically disabled person who is the owner of a condominium unit the right to modify the unit to facilitate access, or alter conditions which could be hazardous, as

specified. The bill would further require any owner who intends to modify a unit to submit his or her plans and specifications to the homeowner's association for review to determine whether the modifications comply with the above provisions, as prescribed. The bill would apply to existing and future condominium units.

Ch. 164 (AB 680) La Follette. Counties: public buildings.

Existing law contains detailed provisions regulating boards of supervisors in contracting for the repair or remodeling of county buildings.

This bill would authorize the board to award annual contracts ~~up to~~ [which do not exceed]* $1,000,000 for repair, remodeling, or other repetitive work, to be done according to unit prices, and would prohibit the awarding of certain contracts, as specified.

Ch. 165 (AB 793) Costa. Courts: Kings County.

Existing law provides for the consolidation of justice court districts to create a municipal court district.

This bill would prescribe the number of judges, and the succession to the office of marshal, in the event the Hanford and Lemoore Judicial Districts are consolidated to create a municipal court district.

Ch. 166 (AB 1318) Bradley. Cities: leasing property.

Under existing law, cities may generally lease land owned, held, or controlled by the city, for a period of not to exceed 55 years, except that longer-term leases are permitted, and shorter-term leases are required, for certain specified purposes.

This bill would permit a city to lease land, without limitation as to the length of term, to a county, county water authority, or special district, for the purpose of constructing, operating, maintaining, and replacing a dam reservoir and appurtenant facilities to collect, divert, and store water for all beneficial uses, including development of power, flood control, and recreation uses.

Ch. 167 (SB 1279) Vuich. Cotton pests. assessments

(1) Existing law, until July 1, 1985, requires every grower of cotton in this state to pay a maximum fee of $2 for each bale of cotton ginned to the Director of Food and Agriculture for the administration of a program to control, suppress, or eradicate cotton boll weevil or pink bollworm.

This bill would also impose the fee on each bale of cotton sold by growers in this state who received the cotton under the federal payment-in-kind program. The bill would also extend the termination date of the cotton pest abatement program to July 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.

The bill would impose a state-mandated local program by creating a new crime.

However, the 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. 168 (AB 868) Sher. Due care.

Under existing law, the failure of a person to exercise due care is presumed if the person violated a statute, ordinance, or regulation of a public entity, and certain other circumstances exist.

This bill would provide that a local rule, regulation, or guideline setting forth standards of conduct for peace officers in the use of deadly force shall not be considered a statute, ordinance, or regulation of a public entity for those purposes. These provisions would remain in effect until January 1, 1987, when they would be repealed.

Ch 169 (AB 54) Costa. Housing

(1) Under existing law, local governmental entities are authorized 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. Formerly, the maximum household income for eligible borrowers under the program was 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 was not more than 120%. For a purchaser who would 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 could not exceed 80% of this median household income, which could be increased to 90% under certain circumstances.

Chapter 155 of the Statutes of 1982, until July 1, 1983, changed those 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 extend the liberalized bonding provisions from July 1, 1983, until June 30, 1984.

(2) Existing provisions of the Community Redevelopment Law contain requirements governing the adoption and amendment of redevelopment plans.

This bill would modify the application of certain of those requirements to the adoption or amendment of a redevelopment plan within the City of Coalinga. The bill would, among other things, make the provision of existing law authorizing the county or any affected taxing entity to call for the creation of a fiscal review committee inapplicable to the adoption or amendment of a redevelopment plan within the City of Coalinga.

The bill would also reduce the period of time during which an action may be brought challenging the validity of any redevelopment plan, or amendment to a redevelopment plan, adopted in accordance with the provisions of the bill, from 60 days as provided under existing law to 30 days.

(3) Existing law contains limitations upon the use of redevelopment construction loan funds to finance the construction of commercial structures and mixed residential and commercial structures.

This bill would make those limitations inapplicable to the issuance of bonds within the City of Coalinga under the redevelopment construction loan program.

(4) Existing law limits the maximum amount of revenue bonds which may be issued by cities and counties, including chartered cities, to finance the construction or development of multifamily rental housing to $900,000,000.

This bill would specify that bonds issued by the City of Coalinga before January 1, 1985, to finance multifamily rental housing, shall not be included within that limitation.

(5) Existing law makes the provisions of the California Environmental Quality Act inapplicable, among other things, to emergency repairs to public service facilities necessary to maintain service; projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor; and to specific actions, necessary to prevent or mitigate an emergency.

This bill would specify that the provisions of the California Environmental Quality Act shall not apply to redevelopment plans or amendments to redevelopment plans adopted by the City of Coalinga in accordance with the provisions of this bill, or to the public and private activities and undertakings pursuant to, or in furtherance of, those redevelopment plans or amendments

(6) The bill would declare the necessity for a special act applicable to the City of Coalinga.

(7) The provisions of the bill relating to the City of Coalinga would be repealed January 1, 1989.

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

Ch 170 (SB 2) Robbins Collection agencies.

Existing law provides for the licensing and regulation of collection agencies by the Director of Consumer Affairs through the Bureau of Collection and Investigative Services and authorizes the director to adopt and enforce such rules and regulations as may be reasonably necessary to carry out provisions of the Collection Agency Act. The law provides for the repeal of the Collection Agency Act effective July 1, 1983.

This bill would delay that repeal until June 30, 1986.

This bill would also revise various provisions relating to collection agencies including, among other things, (a) revising the definition of a collection agency to include a person who is not an attorney and who employs one or more individuals whose function is the collection of claims owed to others, (b) eliminating the duty of the Collection Agency Board to advise the director on the adoption of rules and regulations, instead requiring the director, prior to proposing the adoption, amendment, or repeal of regulations, to submit, at least 30 days prior to the next scheduled board meeting, the contemplated regulatory proposal to the Collection Agency Board for review, comment, and recommendations, (c) increasing the minimum fine for a violation of the act from $1,000 to $10,000, (d) increasing the required net worth of an applicant to $15,000 from $7,500, (e) limiting the authority of the director to inspect the records of a licensee, (f) eliminating requirements that licensees give notice when certain debts are canceled, (g) deleting certain acts prohibited to licensees and, (h) eliminating specific provisions providing for liability to aggrieved persons for intentional violations of law, as specified, by licensees.

The bill would also provide that, with respect to regulations adopted, amended or repealed on or after July 1, 1983, the board may, by unanimous vote of its members, reject any regulation adopted by the director, and that, on and after July 1, 1985, the director's authority to establish any new rule or regulation is terminated.

The bill would modify administrative regulations relating to (a) the length and scope of the examination for an applicant for a license as a collection agency, (b) the qualifications of applicants for examinations, (c) limitations on the selling or assigning of claims or accounts in possession of the licensee, (d) requirements for agreements, written communications, and instruments with customers and debtors, (e) requirements for the compromising of claims, (f) the accounting and remitting of claims to customers, (g) requirements for the keeping of records and accounts, (h) prohibitions as to setoffs against a debtor who is also a customer of a licensee, and (i) the revocation of assignments and withdrawal of claims by a licensee.

The bill would change the name of the Collection Agency Advisory Board to the Collection Agency Board.

Existing law authorizes a superior court to issue an injunction, upon application of the Director of Consumer Affairs, restraining conduct involving the carrying on of a business as a collection agency without a license

This bill would authorize the court to impose a $10,000 fine for the violation of the provision and would require the fine to be deposited in the continuously appropriated Collection Agency Fund. The bill also would authorize any licensee, organization representing licensees, or any member of the public to apply to the court for the injunction.

The bill would make various other technical and related changes

This bill would take effect immediately as an urgency statute.

Ch. 171 (SB 1199) Nielsen. School districts: emergency apportionments.

Under existing law, a school district which determines 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. The emergency apportionment is to be repaid according to a specified schedule.

This bill would appropriate $80,000 to the Superintendent of Public Instruction for an emergency apportionment to the Westwood Unified School District.

This bill would appropriate $96,000 to the Superintendent of Public Instruction for an emergency apportionment to the Val Verde Elementary School District.

This bill would appropriate $450,000 from the Special Account for Capital Outlay for allocation to the South Whittier School District.

This bill would take effect immediately as an urgency statute.

Ch 172 (AB 783) Lancaster. Collections

Existing law sets forth a schedule of fees charged in the administration of collection agencies

This bill would revise that schedule of fees, as specified.

This bill would also revise the definition of a collection agency to include the collection of claims whether the collection effort is directed at the primary debtor or some secondary source of payment.

Existing law does not define or regulate medical provider consultants.

This bill would state that persons who perform various services relative to the collection of accounts of providers of medical services, as defined, would be licensed as medical provider consultants. Application for licensure would be made to the Chief of the Bureau of Collection and Investigative Services. The bill would prescribe fees for original and renewal licenses which would be deposited into the continuously appropriated Collection Agency Fund. The bureau would administer the license program and the Director of Consumer Affairs could deny, suspend, or revoke a license for specified reasons after a hearing.

Existing law, as it would be amended by SB 2 of the 1983–84 Regular Session, would provide that, on and after July 1, 1985, the authority of the Director of Consumer Affairs to establish any new rule or regulation regarding collection agencies is terminated.

This bill would repeal that provision.

The bill would take effect immediately as an urgency statute.

Ch. 173 (SB 312) Maddy. Medi-Cal.

Existing law provides for a special negotiator to negotiate contracts with hospitals for rates and other factors incident to the provision of services under Medi-Cal. The law exempts childrens' hospitals and charitable research hospitals from this contract requirement for the 1982–83 fiscal year.

This bill would extend the exemption to the 1983–84 fiscal year.

This bill would take effect immediately as an urgency statute

Ch. 174 (AB 124) Vicencia. Barbers: barber colleges.

Existing law requires the Board of Barber Examiners to require an applicant for a certificate to operate a barber college to submit information relating to, among other things, the location and facilities of the college, the number of students to be trained and other information deemed necessary by the board.

This bill would include in that requirement submission of a copy of the school's curriculum, including course outlines, lesson plans and method of student evaluation.

Existing law provides that a certificate of registration to operate a new barber college shall not be issued unless there is in the county wherein the college is to be established a population of at least 500,000 for each barber college in operation in the county and an additional 500,000 or more for the new college. Existing law also provides that a certificate to operate a new barber college in any city shall not be issued where the ratio of the population of the city is less than 150,000 for each such college.

This bill would repeal the above provisions which set forth limitations on the issuance of certificates of registration to operate a new barber college.

The bill would also require a barber college which has been licensed in this state for less than 2 years to post a $10,000 bond, as specified.

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

Ch. 175 (AB 480) McAlister. 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, except as expressly authorized. Among other express authorizations, the law authorizes the Director of Employment Development to disclose this information to an employer to enable him or her to discharge obligations or safeguard rights under the unemployment and disability compensation law

This bill would extend this authorization to an employer to enable him or her to discharge obligations or safeguard rights under provisions of law relating to employment services programs.

This bill would take effect immediately as an urgency statute.

Ch. 176 (AB 486) Nolan. Civil procedure.

Under existing law, a party against whom a complaint is filed shall obtain leave of court to file a cross-complaint unless it is filed before or at the same time as the answer to the complaint is filed.

This bill would permit a cross-complaint, other than one filed against the party who

filed the complaint, to be filed at any time before the court has set a date for trial. Leave of court would be required to file a cross-complaint at a later time

Under existing law, the court in civil cases may direct the jury to find a special verdict in writing on all or any issues.

This bill would require that in all cases in which the issue of punitive damages is presented to the jury the court shall direct the jury to find a special verdict in writing separating punitive damages from compensatory damages.

Ch. 177 (AB 608) Herger. Shared savings program.

Existing law requires the Department of Finance to review plans by organizational units of state agencies for achieving the goals and objectives of a shared savings program, pursuant to which budgetary savings would be distributed to participating organizational units. The department is authorized to limit to 5 or less the number of organizational units participating in a shared savings program during the first year in operation in order to evaluate results.

This bill would require the department to report on its evaluation of the shared saving program's effectiveness in enhancing productivity in state government to the Chairperson of the Joint Legislative Budget Committee on or before January 1, 1986.

The existing provisions of law relating to the shared savings program will be repealed on January 1, 1985.

This bill would extend the repeal date of those provisions to January 1, 1987.

Ch. 178 (AB 623) McAlister. Courts: Alameda County.

Existing law provides for the salaries, number, and classification of officers and employees of the municipal courts in Alameda County.

This bill would revise the salaries, number, and classification of specified officers and employees of the municipal courts in Alameda County, thereby imposing a state-mandated local 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. 179 (AB 635) Johnston. Retirement: court reporters.

Existing law specifies the employer contribution for retirement purposes for superior court reporters in San Joaquin County.

This bill would increase that contribution annually over a specified 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.

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

Ch. 180 (AB 717) Sher. Prisons and prisoners

Under existing law, the Prison Industry Authority, under the direction of the Prison Industry Board, has jurisdiction over the operation of all industrial, agricultural, and service enterprises which utilize prison labor in institutions under the jurisdiction of the Department of Corrections. Existing law provides that the board has the power to periodically determine the prices at which activities, supplies, and services shall be sold, which prices, except for articles or services to be sold to the Department of Corrections, shall be as near as possible to the prices for which agencies eligible to purchase would buy items of equivalent quality from commercial sources.

This bill would eliminate the requirement that the board set prices as near as possible to the prices at which eligible agencies could purchase comparable articles or services from commercial sources.

Ch. 181 (AB 745) Johnson. Banks.

Existing law, not yet operative, specifically authorizes a commercial bank to provide real estate appraisal services, management consulting advice and services, and electronic data-processing services, and to charge fees therefor. These provisions would become operative on the effective date of federal legislation or regulation which contains identical provisions, or substantially similiar provisions as determined by the Secretary of the Business, Transportation and Housing Agency, or on January 1, 1984, whichever occurs first.

This bill would delete the delayed operative date provisions.

This bill would take effect immediately as an urgency statute.

Ch. 182 (AB 961) Davis. California Medical Assistance Commission.

Existing law requires the California Medical Assistance Commission to contract with health care delivery systems in order to provide health care services to Medi-Cal recipients, and to make two annual reports to the Legislature.

This bill would additionally require the commission to report to the Legislature on or before February 1, 1984, concerning specified aspects of inpatient hospital service contracts.

Ch. 183 (AB 962) Davis. Courts of appeal clerks.

Under existing law, each court of appeal is required to appoint a clerk, and salaries of clerks of the courts of appeal are set by statute.

This bill would repeal the requirement for the appointment of clerks of the courts of appeal, would repeal the statutory salaries of clerks of the courts of appeal, and would provide, instead, that each court of appeal may appoint a clerk whose salary would be set by the court in the same manner as attachés of the court. The bill would also correct an erroneous cross-reference, and declare the intent of the Legislature in enacting this bill.

Ch. 184 (AB 1133) Klehs. Sales and use taxes.

The existing Sales and Use Tax Law provides that the term "seller" includes every person engaged in the business of selling tangible personal property of a kind the gross receipts from the retail sale of which are required to be included in the measure of the sales tax.

This bill would further provide that for purposes of that law, the phrase "tangible personal property of a kind the gross receipts from the retail sale of which are required to be included in the measure of the sales tax" includes all tangible personal property of a kind the gross receipts from the retail sale of which is, or would be, required to be included in the measure of the sales tax if sold at retail, whether or not the tangible personal property is ever sold at retail or is suitable for sale at retail.

This bill would take effect immediately as a tax levy.

Ch. 185 (AB 1140) Rogers. Vehicles partial year registration

In general, a partial year registration of a vehicle for less than 3 months must be applied for before the vehicle is operated, moved, or left standing upon a highway.

This bill would permit the application for such registration to be made after the vehicle is operated, moved, or left standing upon a highway if (1) the vehicle is moved or operated to support firefighting operations, (2) other specified criteria are met, (3) application for temporary registration is made within 20 days of the date the vehicle is first operated, moved, or left standing on a highway, and (4) the owner has obtained a prior letter of authorization from the Department of Motor Vehicles.

The bill would take effect immediately as an urgency statute.

Ch. 186 (AB 1205) Bates Solid waste and recycling.

Existing law 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 The enforcement agency may suspend, modify, or revoke those permits after a hearing for specified causes.

This bill would additionally authorize an enforcement agency to suspend or revoke the permit of a solid waste facility designed to convert solid waste from offsite sources into energy or synthetic fuels if the facility utilizes recyclable materials, as defined, for conversion to energy and if the local agency in whose jurisdiction the materials are collected requires, as specified, that recyclable materials within that local agency's

jurisdiction be so converted. The bill would exempt from the definition of recyclable materials those materials which a local agency, having jurisdiction over the materials location, determines could be potentially harmful to the public health or which create a public nuisance, as defined The bill would specify that this provision is not to otherwise restrict specified activities of a solid waste facility.

Ch. 187 (SB 295) Presley. Mobilehome Residency Law.

Existing law provides that 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.

This bill would limit that provision to such a failure or violation which is substantial.

Ch. 188 (SB 147) Petris. Psychology

Existing law establishes certain minimum standards for peace officers. Among other things, they must be found free from any physical, emotional, or mental condition which might adversely affect the exercise of the powers of a peace officer, after examination by a licensed physician and surgeon.

This bill would provide that physical condition shall be evaluated by a physician and surgeon and that emotional and mental condition shall be evaluated by a physician and surgeon or by a psychologist meeting certain educational and experience criteria.

Existing law provides that any person convicted of committing any lewd or lascivious act, as specified, shall not have his sentence suspended until the court obtains a report from a reputable psychiatrist as to the mental condition of that person.

This bill would also authorize a report by a psychologist who meets certain standards.

Ch. 189 (SB 154) Montoya. Structural Pest Control Board: membership.

Under existing law, the Structural Pest Control Board consists of 6 members. Existing law requires that 2 of the members shall be licentiates of the board and 4 of the members shall be public members.

This bill would increase the membership of the board to 7 members, and would require the additional member to be appointed by the Governor and be a licentiate of the board.

Ch. 190 (SB 734) Foran. San Mateo County—Retirement Plan 3: reemployment-service credit.

Existing provisions of the County Employees Retirement Law of 1937 authorize San Mateo County to adopt by resolution an optional, alternative, contributory retirement plan, designated Retirement Plan 3, and any subsequent amendments or modifications thereof would be contingent upon mutual agreement thereto by the employer and employee representatives and adoption by the board of supervisors, as specified.

This bill would provide that a member of the alternative plan who is terminated for any reason and is later reemployed shall receive credit at retirement for the service rendered prior to termination if the reemployment occurs within 2 years of termination.

This act would take effect immediately as an urgency statute

Ch. 191 (SB 1157) Nielsen. Emergency medical care.

(1) Under existing law, specified state departments are authorized to advance funds, in the amount and manner specified, to certain community-based private nonprofit agencies which enter into contracts for services with those departments.

This bill would include the Emergency Medical Services Authority among the state departments so authorized.

(2) Under existing law, the Department of Health Services is authorized to contract with certain joint-powers entities to provide funding assistance for regional emergency medical care delivery systems.

This bill would repeal that section and would add a section to the Health and Safety Code which would specify that the Emergency Medical Services Authority is authorized to contract with local EMS agencies to provide funding assistance to those agencies, subject to the availability of funds.

The bill would permit the Emergency Medical Services Authority to provide special funding to multicounty emergency medical services agencies which serve rural areas

with extensive tourism. The bill would permit the authority to provide for advance payments under a financial assistance contract which the authority determines has been entered into with any small, rural, or new emergency medical service agency, with modest reserves, and potential cash flow problems, as specified.

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

Ch. 192 (AB 1148) Filante. Protective orders.

An existing provision of the Family Law Act provides authority for the court to issue, upon the application of either party, orders temporarily excluding either party from the family dwelling or from the dwelling of the other until the final determination of the proceeding to void, nullify, or dissolve a marriage, upon a showing that the party to be excluded has assaulted or threatens to assault the other party, and that physical or emotional harm would otherwise result to the other party or to any person in that party's care, custody, or control.

This bill would expand the court's authority to issue such protective orders in these cases, to include circumstances where, upon application and a hearing, there is a showing that physical or emotional harm would otherwise result.

Ch. 193 (SB 110) Watson. Board of Medical Quality Assurance.

Existing law specifies the fees to be charged by the Board of Medical Quality Assurance for the issuance of certificates issued by the board.

This bill would revise that fee schedule by providing (1) that all applicants for a certificate shall pay a nonrefundable application and processing fee of $100 at the time the application is filed, (2) that the examination fee for an applicant for a certificate by written examination shall be the actual cost of the purchase of the examination plus the actual cost of administering the examination which administration cost is not to exceed $100, (3) that the initial license and the biennial renewal fee shall be not less than $200 nor more than $325 rather than the present maximum fee of $200, (4) that the delinquency fee is 10% of the biennial renewal fee rather than the present $25, and (5) that the duplicate certificate, endorsement, certification, and letter of good standing fees are $10.

Ch. 194 (AB 6) Frazee. Courts.

(1) Existing law provides for the automatic adjustment every odd-numbered year of filing fees in the superior court for the first paper in specified civil actions and the total fee for filing the first petition in specified probate proceedings to reflect changes in the value of the dollar, but not to exceed 3% per year.

This bill would revise the ceiling for such an adjustment for any 2-year period to a maximum of 6% per biennium, except that the adjustment for the 2-year period covering 1983 and 1984 may exceed 6% to the extent it reflects an increase in law library fees, as specified, up to a total adjustment of 10% per biennium.

(2) Existing law provides for the automatic adjustment of filing fees in the municipal and justice courts for the first paper in specified civil actions to reflect changes in the value of the dollar, but not to exceed 3% per year, except that the increase for calendar years 1983 and 1984 may be increased to 5% per year.

This bill would revise the ceiling for such an adjustment for any 2-year period to a maximum of 6% per biennium, except that the adjustment for calendar years 1983 and 1984 could be raised above the 6% ceiling to the extent it reflects an increase in law library fees, as specified, but in no event could the increase exceed 10% per biennium.

(3) Under existing law, a board of supervisors may set the amount of total filing fees in the courts in the county only during the 90-day period preceding an odd-numbered year.

This bill would create an exception to that limitation by authorizing a board of supervisors, acting prior to August 1, 1983, to set the amount of total filing fees in the courts in the county for the period August 1, 1983, to December 31, 1984. This provision would remain in effect until January 1, 1985, and on that date would be repealed.

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

Ch. 195 (SB 152) Craven. Housing funds.

(1) Existing law continuously appropriates moneys in the Mobilehome-Manufactured

Home Revolving Fund, the Mobilehome Parks Revolving Fund, the Housing Predevelopment Loan Fund, the Farmworker Housing Grant Fund, the Urban Housing Development Loan Fund, the Housing Rehabilitation Loan Fund, the Land Purchase Fund, and the Homeownership Assistance Fund to the Department of Housing and Community Development, and continuously appropriates moneys in the Housing Rehabilitation Insurance Fund to the California Housing Finance Agency, for prescribed purposes. Another provision of existing law will prohibit, on and after July 1, 1983, any moneys in a continuously appropriated fund from being encumbered unless the Legislature, by statute, specifies that the moneys are appropriated for an encumbrance.

This bill would supersede the above restriction on continuous appropriations with respect to the above-described funds. This bill would constitute an appropriation bill by providing for the ongoing continuous appropriation of those funds.

(2) 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. Existing law additionally authorizes 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, by ordinance, to 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. These provisions, as well as the provisions creating the Mobilehome Parks Revolving Fund, are repealed January 1, 1984.

This bill would reenact the above provisions, except for the provision authorizing 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, by ordinance, to 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; to become effective January 1, 1984.

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

Ch. 196 (AB 114) Connelly. Crimes: criminal information.

Existing law requires the Department of Corrections and the Department of the Youth Authority to provide, 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 specify certain requirements as to the photographs so furnished, including their minimum size; specify that fingerprints are among the information that must be made available, as specified, and provide that, if requested by a chief of police or sheriff, the information also must be made available concerning all persons placed in a reentry or work furlough program by the Department of Corrections in that city or county.

Existing law provides for establishment and operation of community correctional centers by the Department of Corrections. This bill would require certain notice to local governments prior to a change in capacity or use of a center.

The aforementioned changes in the law would be operative until January 1, 1987, at which time they would be repealed and provisions identical to existing law would become operative.

Existing law requires the Attorney General to retain, file, and index plates, photos, and outline pictures of certain persons convicted of a crime, as specified.

This bill would delete those provisions and make a related change.

Ch. 197 (AB 177) Cortese. Arraignments: television.

Under existing law, in all cases in which a felony is charged, the accused is required to be present at the arraignment.

This bill would authorize a 2-year pilot project in specified counties for the use of 2-way television to be used in arraignments, would allow a defendant to be accompanied by counsel during such an arraignment, and would require annual reports to the Legislature on the project.

The bill would specifically prohibit acceptance of a plea of guilty or of no contest from a defendant not physically in the courtroom.

Ch. 198 (AB 140) Wyman School districts: experimental programs.

(1) Existing law establishes a statutory scheme pertaining to experimental programs which, among other things, authorizes certain school districts to conduct a 3-year experimental program, during the 1983–84, 1984–85, and 1985–86 school years, for the operation of the schools of the district on a 4-day school week, as specified; establishes minimum hours of instructional time for kindergarten and grades 1 to 12, inclusive, under the experimental program; requires the State Department of Education to submit an evaluation of the experimental program to the Legislature within 6 months of the termination of the experimental program; provides that districts shall 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; and provides that the reduced number of schooldays in the district shall not affect any classification, tenure, notice, or contract rights of certificated or classified employees of the districts.

This bill would authorize the Death Valley Unified School District to conduct an experimental program for the operation of the schools in the district on a 4-day school week during the 1983–84 school year, and each year thereafter, through the 1987–88 school year, so long as the district complies with the requirements of existing law relating to experimental programs.

This authorization would impose state-mandated costs since its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(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. 199 (AB 115) Costa. Trespass.

Under existing law, refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by a peace officer and the owner, the owner's agent, or the person in lawful possession thereof, constitutes trespass, which is a misdemeanor.

This bill would provide that for the purpose of the above provision a peace officer may request a person, other than a person engaged in specified labor union activities, to leave property, but only at the request of the owner, the owner's agent, or the person in lawful possession of the property.

This bill would further provide that a peace officer must inform the person that he or she is requesting to leave the land, real property, or structure, that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession.

The bill would require the owner, the owner's agent, or the person in lawful possession to make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested, 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.

This bill would impose a state-mandated local program because it changes the definition of a crime.

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

Ch. 200 (AB 67) Frazee Records: Native American human burial sites

The California Public Records Act exempts specified documents and information of public agencies from disclosure to the public.

This bill would also exempt from disclosure under the California Public Records Act records of Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission

This bill would take effect immediately as an urgency statute.

Ch. 201 (AB 24) McAlister. Probate: missing persons.

Under existing law, a person not heard from in 7 years is presumed dead.

This bill would instead provide that a person not heard from in 5 years is presumed dead.

Existing law provides for special proceedings for the administration and final distribution of property within California belonging to persons who are absent from their residence, and whose whereabouts have been unknown, for 7 years.

This bill would repeal those provisions and enact new provisions which would govern administration of estates applicable to persons who have been absent and not heard from for 5 years. Under those provisions, the estate of such a person would be administered in the manner generally applicable to the administration of an estate, but the missing person would have the right to recover undistributed property.

Existing law provides for the appointment of a trustee to protect and manage the property of a person missing for more than 90 days.

This bill would authorize the appointment of a conservator, rather than a trustee, of an estate for a missing person, as prescribed

The bill would make other related and conforming changes.

Ch. 202 (SB 266) Lockyer. Polygraph examinations.

Existing statutory law makes no provision for the admission or exclusion in evidence of polygraph examination results in criminal proceedings.

This bill would specifically provide that notwithstanding any other provision of law, the result of a polygraph examination, the opinion of a polygraph examiner, or any reference to an offer to take, failure to take, or taking of a polygraph examination shall not be admitted in any criminal proceeding, including pretrial and post conviction motions and hearings and trials and hearings of a juvenile for a criminal offense, unless all parties agree that the evidence shall be admitted.

The California Constitution requires that except as provided by statute enacted by a two-thirds vote of the membership in each house of the Legislature, relevant evidence shall not be excluded in any criminal proceeding or in any trial or hearing of a juvenile for a criminal offense.

This bill would take effect immediately as an urgency statute.

Ch. 203 (SB 49) Lockyer. Unemployment assistance.

Existing law provides that all money in the Unemployment Fund and in the Disability Fund is continuously appropriated without regard to fiscal years for the purposes of providing unemployment and disability benefits. Existing law also provides that after July 1, 1983, no money in any fund which is continously appropriated without regard to fiscal years may be encumbered unless the Legislature specifies that the moneys in the fund are appropriated for encumbrance.

This bill would provide that notwithstanding this limitation, the money in the Unemployment Fund and the Disability Fund is continuously appropriated until July 1, 1984.

The bill would take effect immediately as an act making an appropriation for usual current expenses.

Ch. 204 (AB 298) Klehs Juvenile court law

Under existing law, a minor who has been found not a fit and proper subject to be dealt with under the juvenile court law against whom an accusatory pleading has been filed, if detained, is required to be held in juvenile hall pending final disposition by the criminal court, except as specified.

This bill would require the delivery of a person so detained to the custody of the sheriff upon his or her attainment of the age of 18 unless the court finds that it is in the best interests of the person and the public that he or she be retained in juvenile hall, except as specified.

Ch. 205 (AB 304) N. Waters. Hazardous Substance Account. tax.

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. Existing law exempts from that tax and from 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.

This bill would exempt instead, from that tax, the hazardous wastes collected by local health officers or county agricultural commissioners which result from these voluntary programs. The bill would also exempt from that tax hazardous wastes generated or disposed of by local vector control agencies or by county agricultural commissioners which result from their control activities under specified conditions.

The bill would take effect immediately as an urgency statute.

Ch. 206 (AB 334) Moorhead. Medical emergencies and health facility seismic safety.

(1) Provisions of existing law specifying authority for management at the scene of a medical emergency will be repealed January 1, 1984, without further action of the Legislature.

This bill would extend such provisions indefinitely.

(2) The Hospital Seismic Safety Act of 1982, among other things, makes defined "hospital buildings" subject to design review by the Office of Statewide Health Planning and Development, Department of General Services, and State Fire Marshal.

This bill would exempt from the Hospital Seismic Safety Act of 1982 buildings used as intermediate care facilities/developmentally disabled, if formerly licensed as community care facilities and if certain other criteria are met

Ch. 207 (AB 335) Frizzelle. Psychology.

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 additionally would authorize a person who has been admitted to candidacy for a doctoral degree, as specified, or who has a doctoral degree that qualifies for licensure in the above disciplines to be eligible for registration as a psychology assistant.

The bill would take effect immediately as an urgency statute.

Ch. 208 (AB 379) Campbell. Profiteering: lis pendens.

Existing law sets forth procedures for the forfeiture of property and proceeds acquired or received from criminal profiteering activity upon conviction of the underlying criminal offense. Existing law requires the prosecuting agency to provide notice, as specified, regarding the petition of forfeiture upon every individual who may have a property interest in the alleged proceeds.

This bill would provide that if the property alleged to be subject to forfeiture is real property, the prosecuting agency shall, at the time of filing the petition of forfeiture, record a lis pendens in each county in which the real property is situated which specifically identifies the real property alleged to be subject to forfeiture. The bill thus mandates a new program or an increased level of service of an existing program.

The bill would also provide that the judgment of forfeiture shall not affect the interest in real property of any third party which was acquired prior to the recording of the lis pendens.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 209 (AB 410) Johnston. Political Reform Act: registration of lobbyists

Existing law requires any "person," employed or retained as a lobbyist, to register with the Secretary of State before engaging in specified activities. For purposes of the Political Reform Act, the term "person" includes individuals and other entities such as corporations and associations

This bill would provide that any individual, rather than any person, prior to engaging in specified lobbying activities is required to register with the Secretary of State

Ch. 210 (AB 445) Clute. Parking offenses: pleas.

(1) Under existing law, unless otherwise specified, a violation of any provision of the Vehicle Code, or a local ordinance adopted pursuant to that code, is an infraction. Any person who has received a written notice to appear for an infraction may plead not guilty in writing directed to the court named in the notice to appear.

This bill would also permit a person who has received a notice of parking violation, as specified, to plead not guilty in writing directed to the court or city agency indicated in the notice of parking violation if the county board of supervisors has adopted an ordinance providing that a plea of not guilty may be entered in writing in lieu of appearing in person. Unless otherwise requested by the defendant, the arraignment and trial would be consolidated.

This bill would impose a state-mandated local program by requiring cities to participate in the above-described program in counties which have adopted an ordinance authorizing the program

(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 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. 211 (AB 538) Lewis. Banks

Under the existing Banking Law, the board of directors of each bank and each trust company is required to hold a regular meeting at least once each calendar month.

This bill would provide instead that the board of directors of these financial institutions are required to hold a regular meeting not less than once each calendar quarter.

Ch. 212 (AB 556) 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 and 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.

This bill would extend the above authorization indefinitely by deleting the April 1, 1984, termination date. The bill would also make technical, clarifying changes in existing law relating to the use of studded pneumatic tires by authorized emergency vehicles.

Ch. 213 (AB 574) Young. Possessory interest taxes: state highway real property.

Existing law authorizes any person paying possessory interest taxes for excess state highway real property leased from the Department of Transportation to apply to the department to obtain a credit or refund for taxes paid on leased property. The department is required to deduct credits or refunds from real property revenue payments it makes to counties.

This bill would repeal these provisions, and instead require the department to act as the agent for payment of possessory interest taxes on excess state highway real property leased by the department. The department would be required to provide each county a list of the leased property in the county and the county would be required to submit any possessory interest tax bill to the department. Payments made by the state to the county from leased real property revenues would be deemed to be full or partial payment of the possessory interest taxes, except that if the payment to a county is less than the total possessory interest taxes due, the department would be required to pay the

county the remaining amount. The department would be required to include a statement in its leases that the department will pay all possessory interest taxes and that the lease amount reflects this cost.

Ch. 214 (AB 673) Tanner. Political Reform Act.

Existing provisions of the Political Reform Act of 1974 require that specified state and local public officials, including the members of the 6 regional coastal commissions, county chief administrative officers, and city managers, file statements of economic interests in accordance with a prescribed procedure with the Fair Political Practices Commission.

This bill would delete the application of the filing requirement with respect to the members of the regional coastal commissions to reflect the abolishment of those commissions.

This bill would also require the chief administrative officer of a city, if there is no city manager, to file statements of economic interests with the Fair Political Practices Commission.

Ch. 215 (AB 686) Floyd. Alcoholic beverages.

Existing law prohibits any licensee of the Alcoholic Beverage Control Act from giving any premiums, gifts, or free goods in connection with the sale of any alcoholic beverage.

This bill would provide that the above prohibition would apply to the distribution of any alcoholic beverage, in addition to the sale of any alcoholic beverage, and would provide that exceptions may be made to the prohibition by rules adopted by the Department of Alcoholic Beverage Control except in connection with the sale or distribution of beer, where no rule may permit any premium, gift, or free goods of greater than inconsequential value. The provision would be repealed in its entirety on January 1, 1986.

Existing law authorizes specified licensees of the Alcoholic Beverage Control Act to furnish, give, lend, rent or sell decorations and decorative materials to an off-sale retail licensee in connection with advertising and promotional material or displays in the premises of the retailer provided that the advertising and promotional material shall have no intrinsic value other than as advertising and that the total original cost of all the decorations and decorative materials does not exceed $15.

This bill would remove the $15 ceiling on the total original cost allowed for decorations or decorative materials used in advertising and promotion on the premises of the retailer and would instead authorize the department to establish the ceilings.

The bill would also take effect immediately as an urgency statute.

Ch. 216 (AB 728) Jones. Alcoholic beverages.

Existing law prohibits the possession, consumption, sale, donation, or delivery of alcoholic beverages in or on any public schoolhouse, with an exception for, among others, a public schoolhouse which is surplus school property and the grounds thereof which are leased to a general law city, as specified, to be used for community center purposes, conditioned upon no public school education being conducted thereon by either the lessor or the lessee and the property not being used by persons under 21 years of age for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

This bill would additionally provide that the exemption shall apply if the grounds are leased to a civic organization and the surplus school property is located in an unincorporated area under the same conditions.

Ch. 217 (AB 748) Campbell. Community colleges: holidays: Lincoln Day.

(1) Existing law establishes a list of holidays on which community colleges shall be closed, among which is February 12th, known as "Lincoln Day." Existing law requires community colleges to close on the Monday following any of the holidays on which the school would be closed if the holiday falls on a Sunday. No provision is made for the closing of community colleges on a day other than Monday if Lincoln Day falls on a Monday.

This bill would authorize Lincoln Day to be observed in the following manner.

(a) If Lincoln Day falls on a Sunday, it could be observed on the preceding Friday, the following Monday, or the following Tuesday.

(b) If Lincoln Day falls on a Monday, it could be observed on the preceding Friday, that Monday, or the following Tuesday.

The new authorization regarding the observance of Lincoln Day would impose state-mandated costs because its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(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. 218 (AB 777) McAlister. Unemployment insurance: military duty.

Existing law generally requires contributions paid by employers and benefits received by unemployed individuals under the unemployment compensation insurance law to be based on the amount of wages paid to the individuals while employed.

This bill would exclude from wages for purposes of this law any payment received by a member of the National Guard or reserve component of the armed forces for inactive duty training, annual training, or emergency state active duty.

Ch. 219 (AB 786) Bates. Small claims court. appeals.

Existing law provides for the assessment of attorney's fees in the amount of $15, in addition to interest and costs, against defendants who appeal a small claims court judgment to the superior court, if the judgment is affirmed in whole or in part or if the appeal is dismissed.

This bill would authorize an assessment of up to $250 for attorney's fees upon a finding that the appeal was without substantial merit and not based on good faith, as specified.

Ch. 220 (AB 1495) Bergeson. District attorney's family or child support trust fund.

Existing law does not provide for a district attorney's family or child support trust fund.

This bill would authorize the establishment of such a fund in a county for the purpose of advancing reimbursement for moneys erroneously attached or intercepted by a government agency for payment of a delinquent support obligation. It would specify the procedures applicable to the fund.

This bill would take effect immediately as an urgency statute.

Ch. 221 (AB 1333) Baker. Youth.

Existing law provides that the Youthful Offender Parole Board may return a person convicted of a public offense in a court of criminal jurisdiction and who was committed to the Youth Authority to the committing court, under specified circumstances. The committing court may then commit the person to a state prison or county jail, as specified. Similarly, when a person has been committed to the Youth Authority, if it is deemed warranted by a diagnostic study and recommendation approved by the Director of the Youth Authority, a court may recall the commitment and resentence the person as if he or she had not previously been sentenced, as specified. The maximum term of imprisonment for such a person is a period equal to the maximum prescribed by law for the offense for which he or she was convicted less the period during which he or she was under the control of the Youth Authority.

This bill would define "period during which he or she was under the control of the Youth Authority" to mean the period of time during which he or she was physically confined in a state institution by order of the Youth Authority or Youthful Offender Parole Board.

Ch. 222 (AB 1270) Frizzelle Historical vehicles: windshield requirement.

Existing law requires specified vehicles to be equipped with an adequate windshield.

This bill would exempt vehicles issued special plates for meeting specified criteria relative to historic interest if, at the time of initial sale or registration of the vehicle, there was no windshield requirement.

Ch. 223 (AB 1242) Davis Controlled substances.

Existing law imposes a fine of up to $50,000 in addition to any term of imprisonment for specified sales offenses involving one-half ounce or more of heroin Existing law punishes the possession, giving away, or transporting of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, by a fine of not more than $100 and possession of more than one avoirdupois ounce of marijuana, other than concentrated cannabis, by imprisonment of not more than 6 months or a fine of not more than $500. Existing law prohibits the granting of probation or suspension of sentence for specified sales offenses involving one ounce or more of cocaine or methamphetamine, or one-half ounce or more of heroin or other specified controlled substances.

This bill with respect to these provisions would substitute 14 25 grams for one-half ounce and 28.5 grams for one ounce.

Ch. 224 (SB 582) Torres. Public postsecondary education. student financial aid.

Under existing law, the University of California, the California State University, and community college districts impose various fees on students for specified services.

This bill would state the intent of the Legislature that the Budget Act for each fiscal year provide sufficient funding for financial aid for students with demonstrated financial need to offset increases in student charges at those institutions.

Ch 225 (SB 747) Ayala. Counties. contracts for services to cities

Under existing law, a county 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 require a county to charge a contracting city all costs incurred in providing the services so contracted or authorized, but would retain the prohibition against charging for direct or indirect overhead charges attributable to the services provided or which are general overhead costs of operation of the county government.

The bill would not apply to any contract in existence on December 31, 1983.

Ch. 226 (SB 776) Stiern. Municipal courts. Kern County.

Existing law establishes the number, compensation, and classification of municipal court personnel in Kern County

This bill would revise the number and compensation of municipal court personnel in Kern County, thereby creating a state-mandated local 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. 227 (SB 782) Deddeh. Peace officers.

Existing law authorizes certain peace officers to close an accident or disaster area, as specified. A violation of the order is a misdemeanor under certain circumstances.

This bill would include officers of the marshal's office within the list of 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 impose a state-mandated local program by creating a new crime

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

Ch. 228 (SB 981) Vuich. Savings and loan associations

Existing law provides for the regulation of savings and loan associations.

This bill would revise those provisions, including revising the definition of "statutory net worth", revising the circumstances in which a savings and loan association may issue certificate accounts, authorizing the provision of correspondent services, as specified, and expanding those items which an association may invest in, hold, buy, and sell

Ch. 229 (SB 1046) Lockyer. Criminal law.

Existing law generally provides for the transfer to the Youth Authority by the Director of Corrections of certain persons under the age of 21 for the purposes of housing and allowing participation in the programs available in the Youth Authority institution. Such a person is in all other aspects deemed to be committed to the Department of Corrections.

This bill would (1) provide that such a person shall be deemed to be serving a term in prison for the purposes of a provision relating to enhancement of prison terms for new offenses because of prior prison terms; and (2) repeal certain provisions of existing law authorizing the transfer of specific persons from the jurisdiction of the Department of Corrections to that of the Youth Authority (these transfers would continue to be authorized by the general provision noted above).

Ch. 230 (SB 1172) Johnson. 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 Modoc County to prescribe a higher rate of compensation for superior court reporters.

(2) Existing law establishes the Placer Municipal Court District.

This bill would change the name of the Placer Municipal Court District to the Placer County Municipal Court.

Ch. 231 (AB 120) Kelley. Agricultural products: donations: tax deductions.

Under the Personal Income Tax Law and the Bank and Corporation Tax Law, taxpayers were accorded deductions from the taxes imposed by those laws for donations of agricultural products. Those provisions were repealed on January 1, 1983.

This bill would reinstate those provisions with certain changes, until January 1, 1985.

The bill would take effect immediately as a tax levy, and would become operative as specified.

Ch. 232 (AB 455) Felando. Vehicles: handicapped parking.

Under existing law, vehicles unlawfully parked in spaces or stalls designated for the handicapped may be removed to storage in a public garage under specified conditions.

This bill would make specified persons immune from civil liability for the removal of those unlawfully parked vehicles under the specified conditions if the police or sheriff's department in whose jurisdiction the offstreet parking facility or the stall or space is located or the California Highway Patrol has been notified prior to the removal.

The bill would take effect immediately as an urgency statute.

Ch. 233 (AB 657) Jones. Vehicles: buses: inspection of facilities.

(1) Existing law, until January 1, 1984, requires the Department of the California Highway Patrol to inspect every maintenance facility or terminal of any person who at any time operates a bus for the exclusive transportation of specified groups, excepting buses transporting farm laborers to and from a work location and buses transporting workers to and from a work location in buses designed to transport not more than 16 persons and maintained exclusively for nonprofit transportation of adults to and from a work location as part of a carpool program. Operation of a bus without the inspection is, until January 1, 1984, a misdemeanor, and the department may adopt regulations restricting or prohibiting, until January 1, 1984, the movement of a vehicle from a maintenance facility or terminal if the vehicle is found in violation of the provisions of the Vehicle Code or specified departmental regulations.

Existing law also exempts vanpool vehicles, as specified, from the department's regulations.

This bill would impose a state-mandated program by deleting the January 1, 1984, termination date, thus making these provisions defining a crime permanent, and would make conforming changes.

The bill would also make the inspection requirements apply to maintenance facilities or terminals for all buses

(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. 234 (AB 787) Bates. Family law

Under existing law, in any proceeding for the dissolution of a marriage or to determine it void or voidable, the court may order the exclusion of either party from the family dwelling or the dwelling of the other upon a showing that the party to be excluded has assaulted or threatens to assault the other party and that physical or emotional harm would otherwise result to the other party or any person under the care, custody, or control of the other party.

This bill would provide for an exclusion order upon a showing that the other party has assaulted or threatens to assault the other party or other person under the care, custody, or control of the other party, or any minor child of the parties or the other party, and that physical or emotional harm would result to the other party or any person under the care, custody, or control of the other party or to any minor child of the parties or the other party.

Under existing law, in a proceeding under the Uniform Parentage Act, the court may order the exclusion of one party from the dwelling of the party who has care, custody, or control of the child if the party excluded has assaulted or threatens to assault the other party or the minor child and physical or emotional harm would result to the party or child.

This bill would provide for an exclusion order if the party excluded has assaulted or threatened to assault the other party or the minor child, and physical or emotional harm would result to the party or child

This bill would incorporate additional changes to Section 5102 of the Civil Code proposed by AB 1148, contingent upon the prior chaptering of AB 1148.

Ch. 235 (AB 817) Jones. Income taxation.

Existing provisions of the Personal Income Tax Law impose a tax upon the income of residents, nonresidents, and part-year residents in a specified manner and provide for various credits against the tax.

This bill would modify the definition of a "qualified renter" for purposes of the renter's credit.

This bill would provide that credits against the tax generally shall be allowed to nonresidents or part-year residents in the same proportion as the ratio applicable in determining their tax liability.

Existing provisions of the Personal Income Tax Law and Bank and Corporation Tax Law provide for a minimum tax to be imposed upon items of tax preference.

This bill would delete provisions of the Personal Income Tax Law relating to excess investment interest as an item of tax preference.

This bill would make a technical change in provisions of the Personal Income Tax Law relating to tax preference treatment of estates or trusts

This bill would delete provisions of the Bank and Corporation Tax Law requiring the Franchise Tax Board to prescribe regulations under which items of tax preference may be adjusted.

Existing Personal Income Tax and Bank and Corporation Tax Law provide for the rate of and method of imposing interest upon assessable penalties.

This bill would revise, with certain exceptions, the method of imposing interest on assessable penalties

Existing Bank and Corporation Tax Law permits expenditures paid or incurred by a taxpayer for certain exploration and investigation costs associated with ore deposits and not otherwise deductible to be deducted, at the election of the taxpayer.

This bill would provide that the taxpayer's election is irrevocable unless the Franchise Tax Board consents to the revocation.

Existing Bank and Corporation Tax Law requires basis adjustment in respect of prop-

erty be made in various enumerated cases for purposes of determining gain or loss.

This bill would provide that adjustment shall be made with respect to amounts allowed or deductions for payments made on account of transfers of franchises, trademarks, or trade names.

This bill would make certain other technical changes in provisions relating to the allowance of losses from sales or exchanges of capital assests, and the gain or loss treatment of "small business stock".

This bill would take effect immediately as a tax levy. However, its operative date would depend upon its effective date. This bill would make certain provisions of the bill relating to the gain and loss treatment of "small business stock" and the deductibility of certain exploration and investigation costs associated with ore deposits either operative or inoperative in the event that AB 36 is chaptered and takes effect.

Ch. 236 (AB 889) Bader. Arrest.

Existing law requires the appearance in court of a defendant arrested in another county within 10 days after the admittance to bail, as specified.

This bill would extend the time period to 25 days.

Ch. 237 (AB 979) Baker. Oil and gas.

Under existing law, the State Oil and Gas Supervisor is required to appoint at least one district deputy in each oil and gas district. Each district deputy is required to be a competent engineer or geologist, registered in the state, and experienced in the development and production of oil and gas.

This bill would, instead, require that the district deputy be a competent engineer or geologist, preferably registered in the state, and experienced in the development and production of oil and gas.

Ch. 238 (AB 1026) Hauser. State highways. Route 116: state scenic highway.

Existing law requires the Department of Transportation to establish and apply pertinent planning and design standards for development of official scenic highways.

This bill would include Route 116 from Route 101 near Cotati to Route 1 near Jenner in the state scenic highway system.

Ch. 239 (AB 1125) Felando. Healing arts.

Existing law provides that the Nursing Practice Act and the Vocational Nursing Practice Act shall not apply to any nurse employed in the public health service, or by any agency of the federal government, or by the United States government in any hospital maintained by it in this state while in the discharge of his or her duties in that institution. The law also exempts from the Medical Practice Act medical officers of the armed services or of the public health services.

This bill would provide that any board within the healing arts division of the Business and Professions Code may deny a license to an applicant or take disciplinary action against a California licensee for acts or omissions committed while in the employ of the federal government or agencies thereof, as specified.

The bill would delete the exemption for medical officers, registered nurses, and vocational nurses and would instead provide that no board which licenses dentists, physicians and surgeons, or nurses may require a person to obtain a California license to practice his or her profession in this state if the person is employed by the federal government or an agency thereof or is rendering services in a facility of the government or is exempted by federal statute, as specified.

This bill would also incorporate changes proposed by AB 622, if this bill and AB 622 are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last.

Ch. 240 (AB 1158) Wyman. Process fees

Under existing law, whenever a judgment is recovered by the plaintiff or petitioner in any action or proceeding to begin which, as authorized by law with respect to specified public agencies, no filing fee nor fee for service of process or notices by a sheriff, marshal or constable has been paid, other than in a condemnation proceeding, quiet title action, action for the forfeiture of a fish net or nets or action for the forfeiture of an automobile or automobiles, the clerk entering the judgment is required to include

as a part of such judgment the amount of the filing fee and the amount of the fee for the service of process or notices which would have been paid but for such exemption, designating it as such.

This bill would extend such provisions to judgments recovered by such a public agency as defendant or respondent.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 241 (AB 1174) Elder. Juvenile court records.

Under existing law, juvenile court records are confidential, except as specified.

This bill would provide that the Board of Prison Terms shall be entitled to review the unsealed juvenile court records relating to criminal acts committed by a person before the board, for the purpose of evaluating the person's suitability for release.

Ch. 242 (AB 1177) Areias. Agricultural commissioners.

(1) Existing law authorizes the Director of Food and Agriculture to enter into cooperative agreements with boards of supervisors for the purpose of administering and enforcing the Food and Agricultural Code.

This bill would further authorize the director to enter into cooperative agreements with county agricultural commissioners to enforce the code. The bill would also authorize the director to enter into cooperative agreements with boards of supervisors and commissioners for the purpose of administering and enforcing any activity, duty, or responsibility under the code. The bill would also provide that, where the code requires the director to perform an activity, duty, or responsibility, an agreement would not relieve the director of ultimate responsibility for that performance.

(2) Under existing law, the commissioner has specified powers and duties, but no specific authority to enter into contracts to certify the condition of agricultural shipments.

This bill would authorize the commissioner, with the approval of the board of supervisors, to contract, as specified, with any person or association to certify the condition of a shipment of a product regulated under the Food and Agricultural Code.

Ch. 243 (SB 522) Rosenthal. False representations.

Existing law prohibits the making or disseminating of untrue or misleading advertising before the public within the state or from this state.

This bill would make it unlawful for any person soliciting a sale or order for energy conservation products or service to make various misrepresentations The bill would also provide that any person, firm, corporation, partnership or association, and any employee or agent thereof, who makes those misrepresentations (1) in the course of solicitation of a sale or order at a residence, (2) by telephone or (3) by any other method at any other location is liable for specified damages.

Ch. 244 (SB 66) Davis. Evidence

Existing law provides that a married person has a privilege not to testify against his or her spouse in any proceeding with specified exceptions.

This bill would make another exception to provide that there is no privilege not to testify against a spouse in a proceeding resulting from a criminal act which occurred prior to legal marriage of the spouses to each other regarding knowledge acquired prior to such marriage if prior to the marriage the witness spouse was aware that his or her spouse had been arrested for or had been formally charged with the crime or crimes about which the spouse is called to testify.

Ch. 245 (SB 192) Davis Juvenile court law.

Existing law generally provides that no juvenile home, ranch, camp, or forestry camp shall receive or contain more than 100 children at any one time. However, a provision operative until January 1, 1984, authorizes such an institution to receive and contain a

maximum of 130 children, under specified circumstances.

This bill would extend the operative date of this latter provision until January 1, 1986, reduce the maximum number of children to 125, and limit the application of the authorization to Kern and Los Angeles Counties, as specified.

Ch. 246 (SB 223) Ayala Schools: kindergarten schoolday

Existing law prohibits pupils in kindergarten from being kept in school more than 4 hours in any day exclusive of recesses Existing law exempts specified school districts from that prohibition.

This bill would also exempt the San Bernardino Unified School District from the prohibition until January 1, 1987.

Ch. 247 (SB 285) Rosenthal. Corporations: dissolution.

Under existing law, in certain suits or proceedings for the dissolution of a corporation, the corporation or holders of 50% or more of the voting power may avoid dissolution by purchasing at fair value the shares owned by the plaintiffs or by the shareholders initiating the proceeding. Under existing law, fair value is determined on the basis of liquidation value, taking into account the possibility of the sale of the business as a going concern.

This bill would specify that the fair value shall be determined on the basis of the liquidation value as of the valuation date, taking into account the possibility of the sale of the business as a going concern. The bill would generally provide that the valuation date would be the date upon which the action or proceeding was commenced or initiated, except as specified.

Ch. 248 (SB 325) Ellis. Advertising.

Existing law provides that it is a misdemeanor for any person conducting a mail order or catalog business in this state, and utilizing a post office box address, to sell or offer to sell consumer goods or services without disclosing the legal name under which business is done and the complete street address from which business is actually conducted in all advertising and promotional materials.

This bill would make these provisions and attendant criminal penalties applicable to any person engaged in such a business who uses a street address in its advertising and promotional materials, which represents a site used primarily for the receipt or delivery of mail or as a telephone answering service.

This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 249 (SB 361) Davis. Notary publics. fees.

Existing law provides various fees authorized to be charged for the services rendered by a notary public.

This bill would revise those fees, as specified

Ch 250 (SB 408) Beverly. Corporations

Existing law provides that a nonprofit religious corporation, mutual benefit corporation, or public benefit corporation may provide in its bylaws for delegates, however, it prohibits delegates from acting other than personally at a meeting

This bill would provide that delegates may act personally or by written ballot. It also would provide that such a corporation's bylaws may set forth the manner in which delegates may act by written ballot, as specified

Ch. 251 (SB 445) Ayala Local agencies

(1) Existing law does not authorize the board of supervisors of the principal county to establish a schedule of fees for the estimated expenses of conducting proceedings for a reorganization which includes the incorporation of a city conducted pursuant to the

District Reorganization Act of 1965.

This bill would authorize the board of supervisors to levy fees in the amount reasonably necessary to cover the costs incurred to conduct those proceedings. The bill would require those fees to be imposed pursuant to other provisions of existing law which require a local agency to hold a public meeting prior to levying a new fee or approving an increase in an existing fee.

(2) The bill would incorporate additional changes in Sections 54990 and 54993 of the Government Code, proposed by SB 378, to be effective only if SB 378 and this bill are both chaptered and become effective January 1, 1984, and this bill is chaptered last.

Ch. 252 (SB 493) Lockyer. Alarm companies.

Existing law known as the Alarm Company Act provides for the licensing and regulation of "alarm company operators" which term is defined to include, among others, persons who, for consideration, monitor alarm systems.

This bill would provide that the term "alarm company operator" shall not, however, include a telephone answering service which is retained by a licensed alarm company operator to monitor alarm systems for the licensed alarm company operator

Ch. 253 (AB 510) Molina. Evidence. blood tests.

Under existing law in a civil action in which paternity is a relevant fact, the court may, and upon motion of any person whose blood is involved, shall order the mother, child, and alleged father to submit to blood tests. If any party refuses to submit to the blood tests, the court may resolve the question of paternity against that party or enforce its order.

This bill would provide that any party's refusal to submit to the blood tests shall be admissible as evidence in any proceeding to determine paternity.

Ch. 254 (AB 1587) Isenberg. Attorneys.

(1) Under existing law, the State Bar is authorized in certain circumstances to enroll a member of the State Bar as an inactive member.

This would authorize the State Bar also to enroll a member as an inactive member when the member asserts on his or her own behalf a claim of insanity or mental incompetence in any pending action or proceedings or when the court makes an order assuming jurisdiction over the member's law practice.

(2) Under existing law, the superior court upon application of the State Bar may, under certain circumstances, make an order assuming jurisdiction over an attorney's law practice and may appoint one or more active members to act in regard to this practice. These members are required to act without compensation but are entitled to reimbursement for expenses.

This bill would authorize the payment of compensation by the State Bar in specified circumstances and provide for reimbursement of the State Bar from the affected attorney or his or her estate.

This bill would also provide relief in certain circumstances to a client of an affected attorney from the running of an otherwise applicable statute of limitation or claim statute or from a judgment, order, or other proceeding taken against him or her.

Ch. 255 (AB 1852) Clute. Helicopters: temporary landing site inspections.

Under existing law, the regulation of airports and the issuance of airport permits is accomplished by the Department of Transportation. Existing law prohibits any helicopter from landing or departing within 1,000 feet of any public or private school having grades K through 12 at other than a permanent permitted heliport without the department's permission.

This bill would require the department to impose and collect a fee sufficient to cover its costs for the approval of temporary helicopter landing sites located within 1,000 feet of a school pursuant to these provisions.

Ch. 256 (AB 1877) Harris. Public contracts.

Existing law contains various provisions for public contracts in numerous codes, including the Education, Government, Harbors and Navigation, Health and Safety, Public Utilities, and Streets and Highways Codes.

This bill would repeal many of the above provisions and would add them to the Public Contract Code.

Ch. 257 (AB 2127) Roos. Director of Finance.

Under existing law the Director of Finance may appoint any deputy or assistant director to act in his place and stead on the State Allocation Board, as specified.

This bill would provide that the Director of Finance may designate any deputy of his or her office to act in his or her place and stead on any state board, commission, committee, or governing board of any state agency with respect to the exercise of statutory powers and duties of any of those bodies

Ch 258 (AB 1504) D. Brown. Parking offenses harbor improvement districts.

(1) Existing law prohibits any person from driving any vehicle or animal or stopping, parking, or leaving any vehicle or animal, on the grounds of specified government entities, including harbor districts, without the permission of the governmental entity.

This bill would add harbor improvement districts to the governmental entities affected by the above provisions The bill would impose a state-mandated local program by creating a new infraction

(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 259 (AB 1503) D Brown. Dance studios

Existing law regulates contracts for dance studio lessons. Among other things, existing law limits the total payment which may be required to $2,500.

This bill would increase that limit to $3,750

Ch. 260 (AB 1277) Young Housing· first-time home buyers

(1) Existing provisions of the First-Time Home Buyers Bond Act of 1982, approved by the voters as Proposition 5 on November 2, 1982, authorized the issuance of bonds in the amount of $200,000,000 for the purpose of implementing a buy-down mortgage plan. The California Housing Finance Agency is authorized under that plan to contract with, and pay to, qualified mortgage lenders an amount of money in order to reduce the effective interest cost on loans made by those lenders to first-time home buyers

Existing law specifies that the only mortgage loans that are eligible for the buy-down program are those which are insured in whole or in part by the Federal Housing Administration or guaranteed in whole or in part by various specified public or private insuring entities, in percentages determined by the agency by regulation adopted by the First-Time Home Buyers Policy Committee

This bill would provide that such insurance or guarantee need not be required, in the discretion of that policy committee, if the amount of the mortgage loan is less than 80% of the appraised value of the property which is the security for the loan.

(2) Existing law creates the First-Time Home Buyers Finance Committee and provides that the committee shall be composed of, among others, the Treasurer and the Chairperson of the First-Time Home Buyers Policy Committee, who is also the Treasurer.

This bill would delete the Chairperson of the First-Time Home Buyers Policy Committee from membership on the committee and would, instead, make the chairperson of the board of directors of the agency a member.

(3) The provisions of the bill would take effect immediately as an urgency statute.

Ch 261 (AB 1094) Areias Milk stabilization plans

(1) Existing law authorizes the Director of Food and Agriculture to formulate and adopt milk stabilization and marketing plans for specified areas of the state 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

This bill would instead authorize persons testifying at the hearing to request a period

of time after the hearing, not to exceed 10 days, in which to file the brief. The bill would also eliminate the requirement that a copy of the brief be filed in the director's office in Sacramento and in the regional milk stabilization office of the director nearest to the location at which the hearing was held.

(2) Under existing law, if a hearing is held to adopt a stabilization and marketing plan for one area and the director determines that the plan should be adopted, the plan takes effect within 45 days of the hearing. If a hearing is held to adopt a plan for more than one area, the plan takes effect within 62 days of the hearing.

This bill would eliminate the difference between effective dates and provide that a plan which is adopted after either type of hearing shall take effect within 62 days of the hearing.

Ch. 262 (AB 1068) Stirling. Real property.

Under existing law, the detriment caused by a breach of an agreement to convey real property is the price paid, expenses incurred, interest, and, in the case of bad faith, the difference between the agreed price and the value of the property plus expenses incurred in preparing to enter upon the land.

This bill would delete the requirement of bad faith for recovery of the difference between the agreed price and the value of the property plus expenses in preparing to enter upon the land, and would also permit the recovery of other consequential damages and interest, as specified.

Under existing law, the detriment caused by a breach of an agreement to purchase real property is the excess of the amount which would be due the seller under the contract over the value of the property.

This bill would provide for the recovery of other consequential damages and interest

Ch. 263 (AB 1036) Lewis. Credit unions.

Under the existing California Credit Union Law, the Commissioner of Corporations is permitted to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of the California Credit Union Law.

This bill would specify that the commissioner is also authorized to waive such rules and regulations where reasonable or necessary.

Under the existing California Credit Union Law, credit unions are required to create and maintain a regular reserve and are also permitted to establish special reserves.

This bill would permit a credit union to establish an allowance for loan losses account, as specified.

Existing regulations promulgated by the Commissioner of Corporations require that a credit union keep its books on an accrual basis.

This bill would specify that all dividend rates on any type of share account, whether or not specified or contracted for in advance, shall be accrued as an expense and credited to an allowance for anticipated dividends and reported as such on the credit union's monthly financial statement.

Existing law provides that the directors of any credit union may declare dividends from its undivided profits, but shall not credit or pay any dividends to its members until it has transferred a prescribed portion of its gross income to its regular reserve.

This bill would provide, in addition, that no credit union shall pay loan interest refunds to its members until it has transferred the prescribed portion of its gross income to its regular reserve. The bill would also specify that nothing in the California Credit Union Law shall be construed to permit the credit union to credit or pay a dividend from its undivided profits account when the credit or payment would result in a deficit in the undivided profits account.

Existing law prohibits a credit union from making a loan in excess of $1,000 to a member under 18 years of age unless the loan is secured in a specified manner

This bill would provide that this prohibition does not apply where the member is an emancipated minor

Ch 264 (AB 949) Clute. Cable television· lockboxes.

Under existing law, the governing body of a city, county, or city and county may, by the granting of a franchise, authorize the construction and operation of a community antenna television system (cable TV). In connection with the granting of a franchise,

the city, county, or city and county may prescribe rules and regulations to protect individual subscribers.

This bill would require every cable television system operating under a franchise, by July 1, 1985, and thereafter to offer to make a lockbox, as defined, available to each of its subscribers. The monthly service charge for the lockbox could not exceed 50 cents per month, plus increases based on changes in the Consumer Price Index, but a city or county would be authorized to require a cable television system to make lockboxes available to its subscribers without charge.

Ch. 265 (AB 639) Rogers. Agriculture: dehydrated garlic and onions

(1) Under existing law, the provisions in the Food and Agricultural Code relating to standards for garlic and onions for dehydration and the existence of the Garlic and Onion Dehydrator Advisory Committee remain in effect only until January 1, 1984.

This bill would extend that date until January 1, 1989.

(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 impose a state-mandated local program by making it a crime to violate those standards after Janaury 1, 1984.

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

Ch. 266 (AB 591) Killea. California Driver's handbook.

Under existing law, the Department of Motor Vehicles is required to publish a synopsis or summary of laws regulating the operation of vehicles and use of the highways. Copies of this publication are required to be furnished without charge.

This bill would require the department to conduct a prescribed study to determine the feasibility of financing the cost of this publication through advertising and to report thereon to the Legislature.

Ch. 267 (AB 581) Felando Buildings: doors.

Under existing law, various provisions regulate commercial establishments.

This bill would provide that both doors of any double doors designated as the public entrance to any place of business shall be kept unlocked during normal business hours.

Ch. 268 (AB 528) Lancaster. Mineral, oil, and gas brokers.

Existing law provides a comprehensive scheme for the licensure and regulation of mineral, oil, and gas brokers.

This bill would substantially revise that law and, among other things, would do the following:

(a) Authorize the Real Estate Commissioner to file a criminal complaint regarding certain violations by an unlicensed person acting as a mineral, oil, and gas broker, as defined.

(b) Provide that mineral, oil, and gas brokers and applicants for licensure as a mineral, oil, and gas broker are subject to numerous, designated provisions presently applicable to real estate brokers, and, in many instances, repeal corresponding provisions relating only to mineral, oil, and gas brokers

(c) Specify that the fee for an application for a mineral, oil, and gas permit is $50

Ch. 269 (AB 467) Statham Brown Bag Network Act

Existing law provides for the Brown Bag Network Act in order to provide funding for local programs which provide produce and unsold foodstuffs to elderly persons.

Existing law further provides that the provisions of that act would be repealed on December 31, 1983, unless a later enacted statute chaptered prior to that date were to extend or delete that date.

This bill would eliminate the provision repealing the Brown Bag Network Act on December 31, 1983.

Under existing law, priority for funding is given to insufficiently funded existing Brown Bag programs, with both existing and new programs to be funded at a maximum

of $100,000 per year.

This bill would, instead, provide that priority shall be given to ongoing programs which are insufficiently funded, and that both ongoing and developing programs, as defined, would be limited to a maximum of $30,000 per year.

Under existing law, new programs are not required to provide any matching funds, and existing programs are required to fulfill a 25% cash matching requirement in order to obtain Brown Bag Network Act funds.

This bill would provide that an ongoing program would, in addition, be required to fulfill a 25% in-kind matching requirement, as defined, and a developing program would be required to meet a 10% cash matching requirement and a 25% in-kind matching requirement in order to obtain program funds.

The bill would also eliminate various requirements, which Brown Bag programs must meet in order to obtain funds, including a requirement that each program's board of directors include a farmer and a packer, and a requirement that programs in specified areas would be required to hire as many seniors as possible.

Existing law provides for a Brown Bag Advisory Committee with duties, as specified.

This bill would modify the composition of the committee.

The bill would provide that, commencing February 28, 1986, the Department of Aging would be required to submit biannual reports to the Legislature on the efficiency of Brown Bag programs, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 270 (AB 456) Felando. Vehicles: handicapped parking.

(1) Under existing law, ~~the~~ [it is an infraction to park in stalls or spaces designated as specified, for physically handicapped persons without display of a specified license plate or placard, including parking in stalls or spaces in offstreet parking facilities owned or operated by the state or by a local authority, as defined, and stalls or spaces in privately owned and maintained offstreet parking facilities. The]* owner or person in possession of an offstreet parking facility [after notifying the police or sheriff's department, and any local authority owning]* or [operating an offstreet parking facility,]* may cause the removal of a vehicle without a disabled person's or disabled veteran's license plate or placard [from a designated stall or space]* if a specified sign is posted. Also, a peace officer or specified city or county employee may remove such a vehicle from designated stalls or spaces if parked in violation of the handicapped parking laws, but only if the [specified]* notice requirements for offstreet parking facilities are complied with or the stall or spaces are clearly marked as a tow zone for unlawfully parked vehicles.

[Existing law defines "local authority" to mean the legislative body of every county or municipality having authority to adopt local police regulations.]*

This bill would impose a state-mandated local program by revising and recasting those provisions to [make it an infraction to park in stalls or spaces designated by blue paint or signs, as specified. The bill would also]* permit [the owner or person in lawful possession of a privately owned and operated offstreet parking facility, or the local authority owning or operating an offstreet parking facility, to cause the]* removal of vehicles from the designated stalls or spaces ~~in offstreet parking facilities that are owned or operated either privately or by a city or county if~~ [after]* notice to the police or sheriff's department ~~or California Highway Patrol~~* is given and if the signs are posted [,]* unless the vehicle is displaying the specified license plates or placards. The bill would also [, instead,]* permit ~~removal~~ [any peace officer, as defined, or any specified city or county employee to remove vehicles]* from the designated stalls or spaces in ~~public~~* offstreet parking facilities and designated street stalls or spaces if notice to the police or sheriff's department or California Highway Patrol is given [,]* unless the vehicle is displaying the specified license plates or placards.

The bill would also make technical and conforming 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.

[(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.

~~(3)~~ [(4)]* The bill would take effect immediately as an urgency statute.

Ch. 271 (SB 30) Davis. Santa Clarita Community College District: district board elections.

Under existing law, when 2 or more governing board members of a community college district are to be elected, the 2 or more candidates receiving the highest number of votes are elected, and each voter may vote for as many candidates as there are members to be elected. However, existing law authorizes the governing board of any community college district to assign, by lot, a number to each seat on the board. Once assigned, any candidate for election to the board is required to run for a particular numbered seat on the board and be elected at large.

This bill would provide that once the governing board of Santa Clarita Community College adopts number assignments to each board seat, this system shall remain in effect until the governing board, by a resolution adopted by a ⅔ vote, discontinues numbered seats and returns to the first method above.

Ch. 272 (SB 67) Davis. Public liability

Existing law provides that a person charged with a criminal offense may not bring a civil action for money or damages against a peace officer or public entity employing a peace officer based on the conduct of the peace officer which relates to the offense for which the accused is charged while the charges are pending in a justice, municipal, or superior court.

This bill would specify that charges pending before a justice, municipal, or superior court do not include appeals, and do not include certain criminal proceedings which have been diverted pursuant to specified provisions. It would also provide that those provisions do not prohibit the filing of a claim with a public entity, and do not extend the time within which a claim is required to be presented.

Ch. 273 (SB 131) Deddeh. Bicycles.

(1) For purposes of the Vehicle Code, existing law excludes bicycles from the definition of vehicles. However, under existing law, persons riding a bicycle on a roadway or paved shoulder are subject to provisions of the Vehicle Code relating to accidents and accident reports, traffic laws, and offenses, except those provisions which by their very nature can have no application to bicycles.

This bill would make the above provisions applicable to persons riding bicycles upon any highway, rather than a roadway or paved shoulder. The bill would expand the existing definition of bicycle to include unicycles. The bill would also make technical, nonsubstantive changes and clarify that general provisions of the Vehicle Code relating to penalties and disposition of fees, fines, and forfeitures are also applicable to bicycle riders.

(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 impose a state-mandated local program by creating new crimes and infractions relating to the operation of bicycles.

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

Ch. 274 (SB 226) Hart. Medi-Cal pilot project.

Existing law provides that the Director of Health Services shall enter into a contract for provision of services to all Medi-Cal recipients in a county, except as specified, and that special consideration shall be given to Santa Barbara County as the potential pilot project contractor.

Existing law provides that the establishment of the pilot program would be contingent

upon the fulfillment of specified requirements. One of these requirements is the execution of a guarantee acceptable to the Commissioner of Corporations for payment of moneys owed to providers under the pilot project.

This bill would eliminate this requirement.

Existing law further provides that a potential contractor shall be required to submit a proposal to the director which shall contain a budget for delivery of services, administration and evaluation.

This bill would specify that the pilot project shall be considered to be county operated and would specifically exempt the pilot project from the provisions of the Knox-Keene Health Care Service Plan Act of 1975 relative to Medi-Cal services.

This bill would take effect immediately as an urgency statute.

Ch. 275 (SB 328) Johnson. Highways: roadside rest areas or vista points: vending.

(1) Existing law prohibits, with specified exceptions, any person from soliciting, displaying, selling or offering to sell, or vending or attempting to vend any merchandise or service while being wholly or partly within a freeway right-of-way. A first offense is an infraction and a second or subsequent offense is a misdemeanor.

This bill would prohibit any person from engaging in any activity within a highway roadside rest area or vista point which is prohibited by rules and regulations of the Department of Transportation. The bill would impose a state-mandated local program by making a violation an infraction and a second or subsequent conviction of a violation 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.

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

Ch. 276 (SB 825) Presley Riverside County flood control.

(1) Under existing law, the Riverside County Flood Control and Water Conservation District is divided into 7 zones with prescribed boundaries.

This bill would revise the boundaries of zone 1 and zones 3 through 7, inclusive, of the district.

(2) Under existing law (the Benefit Assessment Act of 1982), a local agency is authorized, in accordance with prescribed procedures, to levy an assessment to finance drainage, flood control, and street lighting services. The proposition to levy the assessment is required to be submitted to the voters and approved by a majority vote of the voters voting on the proposition.

This bill would authorize the district, upon compliance with the requirements of the Benefit Assessment Act of 1982, including approval of a majority of the votes cast, to levy a benefit assessment within any zone or improvement district to pay the principal and interest on bonds of the district or zone or improvement district The bill would provide for the bonds to be authorized and issued in accordance with specified provisions, and would specify related matters

The bill would also authorize the district to order works of improvement to be done and financed in accordance with the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915.

(3) Under existing law, with specified exceptions, all contracts of the district for any improvement or unit of work estimated to cost in excess of $5,000 are required to be let to the lowest responsible bidder in accordance with prescribed procedures.

This bill would increase that amount to $15,000 and would make related changes

(4) The bill would delete obsolete provisions and make other changes

Ch. 277 (SB 952) Robbins. Health insurance.

Under existing law, any person or entity which provides any of various forms of health expense coverage is presumed to be subject to the jurisdiction of the Department of

Insurance unless it shows that it is subject to the jurisdiction of another agency of this or another state or the federal government. If it is unable to make that showing, it shall submit to an examination by the commissioner to determine compliance with the Insurance Code.

This bill would also provide, if it is unable to make that showing, that it shall be required to obtain a certificate of authority and be required to meet all appropriate reserve, surplus, capital, and other necessary requirements imposed on all insurers, as prescribed.

Ch. 278 (SB 1000) Robbins Insurance.

Existing law requires every contract of insurance against hazards incident to ownership, maintenance, operation and use of motor vehicles to be embodied in a document, as defined.

This bill would additionally define a document as the applicable policy form and a subsequently issued declarations page, as specified, or an endorsement.

Ch. 279 (AB 1389) Harris. Attorneys.

Under existing law, an attorney in a court action may be changed with the consent of the attorney and client, or upon the order of the court upon the application of the attorney or the client.

This bill would provide that if a reduction in public funding for legal services impairs a legal service agency attorney's ability to represent an indigent client, the court, on its own motion or the motion of the client or attorney, shall permit the withdrawal of the attorney in specified instances. It would permit the court to toll various periods of limitations and related time limits for a period not to exceed 90 days where necessary to avoid legal prejudice caused by that withdrawal. It would also permit the court, upon that withdrawal, to appoint an attorney, law firm, or professional law corporation to represent the indigent client without compensation, as specified.

Ch. 280 (AB 1203) Bates. Mental health: residential treatment programs for children and adolescents.

Existing law provides for a system of residential mental health treatment programs which provide a range of services as an alternative to institutional care, based on principles of residential community-based treatment, and provides several categories of services for which counties may apply for funds. Under current law, the Legislature has stated its intent that residential mental health treatment programs serving children and adolescents be established.

This bill would permit counties to apply for funds for programs serving children and adolescents as prescribed in the bill. It would specify that nothing in the bill shall be construed to waive any licensure requirement pursuant to the California Community Care Facilities Act for any community care facility.

Ch. 281 (AB 747) Campbell. Community colleges: employee dues deductions.

(1) Existing law requires the governing board of a community college district to deduct from the salary of a certificated employee the amount requested in a revocable written authorization by the employee to cover the payment of dues for the employee's membership in certain professional organizations and an amount reflecting his or her pro rata share for the district's costs in making the deduction.

Existing law also requires the district each month to draw upon its funds an amount equal to the dues in favor of the designated organization and to retain and deposit in the district's general fund the amounts deducted for the employee's pro rata share of the district's costs for making the dues deduction. If the employees of the district do not authorize deductions to pay their pro rata share of the costs, existing law requires the board to deduct from the amount transmitted to the designated organization the actual costs of making the deduction.

This bill, unless otherwise agreed pursuant to certain statutory provisions, would require the board to draw upon its funds in favor of the organization no later than the 10th day of each pay period for certificated employees, and to transmit the total amount to the organization no later than the 15th day of each pay period, and to act in a timely manner when necessary to comply with these provisions.

Under this bill, revocable written authorizations remain in effect until expressly revoked in writing by the employee, and changes in the amount of dues may be made without the completion of a new deduction authorization, 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 impose a state-mandated local program by requiring community college districts to comply with specified time limits when deducting and transmitting employee dues, thus requiring a change from current procedures which require these acts to be done on a monthly basis.

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

Ch 282 (AB 352) Hannigan Postsecondary education: need-based student grants: veterans' rehabilitation—scholarships.

(1) Existing law generally requires that applications for need-based student grants funded by the state or a public postsecondary educational institution be considered in light of the income of the applicant's parents, but prohibits consideration of this income if one of several requirements is met

This bill would additionally prohibit consideration of the parent's income if the applicant is (a) at least 21 years of age and is a veteran discharged under honorable conditions after at least 2 years of active duty, except active duty for training, from the Armed Forces of the United States, unless there is substantial evidence of parental support of the applicant, or (b) a veteran who was discharged or released from the Armed Forces of the United States due to a service-connected disability regardless of age or length of time served.

(2) Existing law provides for the granting of rehabilitation services to qualified blind and disabled persons.

Under state regulations, the Department of Rehabilitation reduces rehabilitation services by amounts received by recipients arising from scholarships, grants, or awards for the pursuit of postsecondary education.

This bill would provide that no reduction in rehabilitation services shall be made due to the receipt of any private grants, scholarships, or awards made for the purpose of postsecondary education, except insofar as federal law may require service reductions due to these scholarships, grants, or awards, when provided by postsecondary institutions.

(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 impose a state-mandated local program by prohibiting community colleges from considering parental income when the applicant is at least 21 years of age and is a veteran, as defined, unless there is substantial evidence of parental support, thus requiring a change in procedures.

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. 283 (AB 325) Stirling State Teachers' Retirement System: disability—offset.

A provision of the existing State Teachers' Retirement Law requires a disability allowance to be reduced by the unmodified benefits paid or payable under other public systems

This bill would narrow the other system benefits to those paid or payable for the same impairment or impairments that qualify the member for a disability allowance.

Ch. 284 (AB 250) Frazee Preliminary hearings.

Existing law requires a preliminary examination in a criminal case to be open and public, but permits the magistrate to close the examination, as specified, 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.

This bill would recast those provisions to permit the magistrate to close the examination, as specified, upon motion of the prosecutor during the testimony of a witness who is the complaining witness of any sex offense where testimony before the general public would be likely to cause serious 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.

The bill would repeal those provisions on January 1, 1987, and reinstate the provisions of existing law, except as specified.

Ch. 285 (AB 61) Costa. Pension and retirement funds: investment priorities.

Existing law requires 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, for new investment in specified California residential realty obligations, including securities specified in Section 1360.2 of the Financial Code, which section refers to beneficial interests in pooled obligations and has been repealed effective January 1, 1983.

This bill would eliminate the specific reference to Section 1360.2 of the Financial Code and, instead, add a reference to beneficial interests in pooled obligations.

This bill would further require first priority for the investment of these funds in certificates of deposit issued by savings and loan associations that agree to extend credit, as specified, on residential realty in California.

This bill would take effect immediately as an urgency statute.

Ch. 286 (SB 482) Robbins School districts, community colleges: solar energy management systems.

Under existing law, school districts, county superintendents of schools, and community college districts may enter into lease or lease-purchase agreements for equipment or service systems for a term not to exceed 10 years. These lease or lease-purchase agreements are subject to competitive bidding requirements.

This bill would authorize school districts, county superintendents of schools, and community college districts to enter into agreements for energy management systems for a term not to exceed 15 years. These agreements would be subject to competitive bidding requirements. School districts, county superintendents of schools, and community college districts would be required to consider net cost or savings of each system in determining the lowest responsible bidder

Ch. 287 (SB 728) Richardson Bank and corporation taxes. exempt organizations. information returns.

Existing Bank and Corporation Tax Law requires certain exempt organizations, not required to file annual information returns, to file annual information statements disclosing specified information.

This bill would permit certain religious organizations, which because of religious convictions refuse to file annual information statements, to file in lieu thereof notarized statements containing the same information. This bill would provide that the information furnished therein is for the sole purpose of verifying the absence of unrelated business income.

Ch. 288 (SB 789) Lockyer County grants and subventions

Under existing law, the Department of the Youth Authority administers a program of subventions to counties for specified programs relating to crime and delinquency prevention. The subventions are granted pursuant to a specified formula.

This bill would repeal that program and enact new provisions creating a county justice system subvention program The bill would require the Department of the Youth Authority to provide grants of state funds to eligible counties that apply therefor for local programs, services, and expenses, as specified. The bill would also prescribe the form and manner of applications for grants by counties. The bill would further prescribe the percentage and distribution of grants to counties

The bill would require that any funds received by a county under the existing county justice system subvention program, but which are not expended prior to the repeal of that program, would revert to the state unless they are expended within the fiscal year subsequent to the year of distribution, except as specified.

The bill would further provide that any funds encumbered annually by a county for capital construction pursuant to the existing county justice system subvention program would revert to the state unless those funds are expended by June 30, 1985.

This bill would take effect immediately as an urgency statute.

Ch 289 (SB 396) Watson Dietitians

Existing law provides immunities from liability for members of certain health care peer review committees and members of certain committees of professional societies formed to maintain professional standards.

This bill would include members of dietetic peer review committees and members of committees of dietetic professional societies within those immunities.

Existing law provides immunities from liability for certain referral services of professional societies

This bill would include dietetic professional societies within that immunity.

Existing law provides that the records or proceedings of committees of certain professional staffs of hospitals, and of certain health care professional review committees are not subject to discovery.

This bill would provide that those immunities from discovery apply to records or proceedings of hospital registered dietitian staffs and registered dietitian review committees.

Ch 290 (AB 68) McAlister. Probate law.

Existing law establishes the right of homestead. Existing law also establishes the right to a family allowance for the surviving spouse, minor children, and incapacitated adult children out of the estate of the deceased.

This bill would add to these provisions a declaration that nothing in those provisions terminates or otherwise affects a declaration of homestead by, or for the benefit of, a surviving spouse or minor child of the decedent with respect to the community, quasi-community, or common interest of the surviving spouse or minor child in property in the decedent's estate. The bill would also provide that it is declaratory of, and does not constitute a change in, existing law.

The bill would take effect immediately as an urgency statute.

Ch 291 (AB 366) Bates. Traffic regulation.

(1) Existing law authorizes 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 Until January 1, 1984, the Vehicle Code definition of "official traffic control device" expressly excludes islands, curbs, traffic barriers, and other roadway design features Until January 1, 1984, an order of a state agency determining uniform standards and specifications for official traffic control devices is exempt from review by the Office of Administrative Procedure

This bill would eliminate the January 1, 1984, termination date for all of the above provisions, thereby extending those provisions indefinitely, and would expressly limit the authorization to those highways under the jurisdiction of the local authority. The bill would require that local prohibitions against entry or exit from streets by means of design features be consistent with the responsibility of local government to provide for public health and safety. The bill would require control devices or markings installed upon traffic barriers on or after January 1, 1984, to conform to the uniform standards and specifications for official traffic control devices adopted by the Department of Transportation

(2) Under existing law, the Department of Transportation is required to determine and publicize the specifications for uniform types of warning signs, lights, and devices to be placed on a highway by any person engaged in performing work which interferes with or endangers the safe movement of traffic on that highway.

This bill would require the department to make that determination after notice and public hearing.

Ch. 292 (SB 647) Richardson. Small claims court: mediators and referees.

Existing law requires the small claims court of certain municipal courts to conduct night or Saturday sessions, as specified, and provides that such sessions may be conducted by members of the State Bar acting as mediators or referees.

This bill would provide that such mediators in San Bernardino County shall receive for their services such fees not to exceed $100 per day as may be established by the court upon the authorization and approval of the board of supervisors.

This bill would be repealed on January 1, 1986.

Ch. 293 (SB 146) Craven. California Debt Advisory Commission: local agencies: bond interest.

(1) Existing law authorizes the California Debt Advisory Commission to provide advisory assistance on bond issues to units of state and local government and to provide other assistance to state or local governments on financial management. Existing law authorizes the commission to charge fees, with a specified exception, payable from the proceeds of the debt issue in a specified amount.

This bill would require those fees to be charged to the lead underwriter or the purchaser and would delete the requirement that they be payable solely from the proceeds of sale of the debt issue.

(2) Existing law provides that, until January 1, 1984, the maximum interest that can be paid on bonds, as defined, issued by local governmental agencies is, with certain specified exceptions, 12% per year Existing law would reduce that maximum rate, operative January 1, 1984, to 10% per year

This bill would provide that the maximum interest rate of 12% per year may be paid on those bonds until January 1, 1986, at which time the maximum rate would be reduced to 10% per year.

(3) The existing Improvement Act of 1911 provides that bonds issued under that act shall bear interest at the rate specified in the resolution of intention adopted by the legislative body.

This bill would provide that bonds shall bear interest at the rate established pursuant to the provisions described in paragraph (2) at the time the legislative body adopts the resolution of intention, unless the legislative body determines that a lesser rate of interest is appropriate at the time of advertising for bids

Ch. 294 (AB 253) Killea. San Diego Metropolitan Transit Development Board. offenses.

(1) Under existing law, a violation of an ordinance, rule, or regulation enacted by the San Diego Metropolitan Transit Development Board relating to the evasion of payment of a fare in any transit facility owned or controlled by the board is an infraction [for a first offense and a misdemeanor for a second or subsequent offense,]* with ~~specified~~* penalties [specified for those offenses]*.

This bill would impose a state-mandated local program by changing the violation to those relating to nonpayment of [such]* a fare. The bill would also prohibit giving information, known to be false, to a public officer or employee engaged in the enforcement of specified criminal ~~violations~~ [provisions]* of the Mills-Deddeh Transit Development Act, and would impose a state-mandated local program by making violations of this prohibition an infraction [for a first offense and a misdemeanor for a second or subsequent offense,]* with ~~specified~~* penalties [specified for those offenses, in addition to any and all other civil or criminal remedies]*.

(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. 295 (AB 151) Hannigan. County, county service area, and county waterworks district fees.

Existing law generally requires that fees levied by local agencies, including a county, be limited so as not to exceed the estimated amount reasonably required to provide the services for which the fees are charged.

This bill would expressly provide that, notwithstanding any other provision of law which prescribes or limits the amount of a fee or charge which may be levied by a county, a county service area, or a county waterworks district governed by a county board of supervisors, the county board of supervisors shall have the authority to increase or decrease any fee or charge in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied. The bill would authorize the board of supervisors to request the county auditor to conduct a study and determine the reasonableness of such fee or charge in the event of a dispute. It would also specify that this authorization shall not be construed to mean that the county shall not continue to be subject to fee review procedures required by Article XIII B of the California Constitution. The bill would expressly exclude from its provisions specified fees charged or collected by a court clerk, county recorder, sheriff, or local registrar; any fee charged or collected by a county agricultural commissioner, any fee charged or collected pursuant to specified provisions relating to weighing and measuring devices; other specified fees; and any standby or availability assessment or charge

This bill would require the board of supervisors to hold a public meeting, as specified, prior to levying a new fee or charge, or prior to approving an increase in an existing fee or charge, and would require that the action be taken by ordinance. The bill would specify that its provisions are not to be construed as granting any additional authority to levy a fee or charge which is not otherwise authorized by another provision of law or as requiring the entities subject to the bill to review or revise any fee or charge which is in effect January 1, 1984.

Ch. 296 (AB 625) Vicencia. Armory fund.

Under existing law, armories for the use of the state military forces are under the control and jurisdiction of the Commanding General of the State Military Forces.

This bill would create the Armory Fund and direct the deposit therein of funds from the disposal of unused armories. The bill would specify that the money in the fund shall be available, upon appropriation by the Legislature, for the acquisition or construction of new or replacement armories, but that, to the extent not so appropriated, it is the intent of the Legislature that the money be available for appropriation for other purposes.

Ch. 297 (AB 1516) Alatorre. Professional immunity.

Under existing law, members of a duly appointed committee of a state or local professional society which is formed to maintain the professional standards of the society are immune from civil liability for acts or proceedings undertaken or performed within the scope of the functions of the committee, under specified conditions.

This bill would extend such immunity from civil liability to any member of a duly appointed committee of a medical specialty society, as defined, under similar conditions.

Ch. 298 (AB 14) Campbell. Cities: island annexations.

(1) Existing law prescribes special proceedings, ordered without an election, for the annexation to a city of territory surrounded or substantially surrounded by the city. Under existing law, the authority to initiate, conduct, and complete the annexation pursuant to such special proceedings expired 3 years after January 1, 1978.

This bill would extend the period for initiating, conducting, and completing such special annexation proceedings to 10 years after January 1, 1978, and would revise criteria for determining which territory is subject to those special proceedings. The bill

would prescribe special procedures for the annexation of such territory with respect to proceedings commenced on or after January 1, 1984.

The bill would impose a state-mandated local program by authorizing additional proceedings which are subject to the jurisdiction of a local agency formation commission.

(2) Under existing law, a proposal for annexation may be initiated by the adoption of a resolution of application by the legislative body of an affected city or county, and the submission of that resolution to the local agency formation commission.

This bill would impose a state-mandated local program by requiring the legislative body adopting the resolution of application for the annexation of certain specified territory to conduct a public hearing on the resolution, as specified, prior to submitting the resolution to the 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 specified reasons.

Ch. 299 (AB 257) Chacon School finance: continuation schools.

Under existing law, high school and unified school districts are required to establish and maintain continuation education schools or classes for minors residing in the district who are subject to compulsory education. Funding for continuation schools is included in the district's revenue limit.

This bill would reduce the revenue limits of school districts which discontinue the operation of a continuation education school for which the district receives a revenue limit adjustment by the amount of that adjustment. This bill would also state the intent of the Legislature that a district which increases its average daily attendance at certain continuation education schools above an approved level expend the entire amount of the revenues generated by the additional average daily attendance on the continuation education school program.

Ch. 300 (AB 481) Isenberg. Transportation Sacramento light rail project.

Under existing law, the Department of Transportation has full possession and control of all property and rights in property acquired for state highway purposes.

This bill would require the California Transportation Commission to convey to the Sacramento Transit Development Agency the title to those portions of real property acquired by the department for the now abandoned Interstate Route 80 Bypass Freeway which are jointly determined by the department and the Sacramento Transit Development Agency to be needed for, or beneficial to, the Sacramento light rail project, under specified conditions. The bill would require title to the real property to revert to the state if the property ceases to be used for light rail purposes unless specified conditions are satisfied.

The bill would take effect immediately as an urgency statute.

Ch. 301 (AB 892) Bader Prisoners

Existing law provides for the temporary removal of a prisoner from the institution where he or she is confined for production before the court in which parental or marital rights of the prisoner are being adjudicated.

This bill would add to the definition of prisoner any individual found insane at the time of committing an offense or mentally incompetent to be tried or adjudged to punishment and confined in a state hospital or other public or private treatment facility.

Ch 302 (AB 1391) Harris. Actions: statements of decisions.

Existing law provides that in superior, municipal, and justice courts, upon a trial of a question of fact by the court, written findings of fact and conclusions of law shall not be required, but the court must issue a statement of decision explaining the factual and legal basis for its decision as to each of the principal controverted issues at trial, upon the request of any party appearing at the trial, as specified

This bill amends various provisions of law to bring them into conformity with the above provisions.

The bill would also state that specified changes made by the bill relating to the procedure for a summary dissolution of marriage are declaratory of existing law.

Ch 303 (AB 544) Cortese. Fire suppression assessments.

Under existing law, certain districts, county service areas, cities, and counties are authorized to levy an assessment to pay for fire suppression services according to specified procedures, including, in some cases, an election to be conducted by counties. The entity of local government seeking the election is required to pay the county for the costs incurred thereby.

This bill would alter the definition of local agencies authorized to impose the assessment for fire suppression services. The bill would also clarify the provisions of law relating to this subject and would alter existing provisions relating to protest and judicial proceedings.

Ch. 304 (AB 238) Harris. Joint custody.

Existing law provides that custody of a child should be awarded in a specified order of preference, according to the best interests of the child. The most preferred award is to both parents jointly or to either parent. There is a presumption that joint custody, as defined, is in the best interests of a child where the parents have agreed to an award of joint custody. Upon the application of either parent, joint custody may be awarded in the discretion of the court in other cases. If a court declines to enter an order awarding joint custody in instances where it is presumed to be in the child's best interest or where requested by a parent, the court is required to state its reasons in its order.

This bill would delete the existing definition of joint custody and instead provide that "joint custody" means joint physical and legal custody and would define "sole physical custody," "joint physical custody," "sole legal custody," and "joint legal custody." The bill would delete the requirement that a court declining to enter an order for joint custody state its reasons in its order, and instead would require the court, upon the request of any party, to state in its decision, whenever a request is granted or denied, the reason for granting or denying the request, as specified. It would also require a court in making a joint custody award to specify the circumstances under which the consent of both parents would be required to exercise legal control of the child and the right of each parent to the physical control of the child, as specified. It would provide that the court, in making a joint custody award, may specify one parent as the primary caretaker of the child and one home as the primary home of the child, for the purposes of determining eligibility for public assistance.

Ch. 305 (AB 563) Moorhead. Podiatry.

Existing law defines podiatric medicine as the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the human foot, including the nonsurgical treatment of the muscles and tendons of the leg governing the functions of the foot.

This bill would revise the definition of podiatric medicine to include the diagnosis, medical, surgical, mechanical, manipulative, and electrical treatment of the ankle and all tendons that insert into the foot

The bill would require that surgical treatment of the ankle and tendons at the level of the ankle by a podiatrist be performed only in a licensed general acute care hospital, as defined.

This bill would state that the above changes made by the bill are intended to codify existing practice.

The bill would authorize a doctor of podiatric medicine to perform surgical treatment of the ankle only if he or she is certified by the Podiatry Examining Committee to perform that treatment, as specified and specifies a fee for that certification.

Ch. 306 (SB 722) Mello. Senior services programs.

Existing law provides for multipurpose senior services pilot projects, with funding of these comprehensive service projects for elderly persons to be administered by the Health and Welfare Agency.

This bill would specify that, if and when certain conditions are met, the program

would become a statewide program on or after July 1, 1983.

The bill would provide that inclusion of new local sites in the program, as well as expansion of existing sites, shall be permitted commensurate with the availability of funds and to the extent that program criteria are met.

The bill would provide that reports on the program shall be submitted to the Governor and the Legislature by the department by April 30 of each year.

The bill would further provide that this program would remain in effect until the earlier of either July 1, 1986, or until the state establishes a new local long-term care delivery system, as specified, and on that date would be repealed unless a later enacted statute chaptered prior to that date were to extend or delete that date.

This bill would take effect immediately as an urgency statute.

Ch. 307 (SB 686) Boatwright. Usury.

Existing provisions of the California Constitution limit the rate of interest which may be charged, but those restrictions do not apply to certain exempt persons or transactions. Existing provisions exempt loans made or arranged by a licensed real estate broker secured in whole or part by liens on real property, and also provide that the exemption applies to any other class of persons authorized by statute.

This bill would specify that those restrictions on interest rates do not apply to any loan or forbearance made or arranged by a licensed real estate broker secured, directly or collaterally, in whole or part by liens on real property, and that the term "made or arranged" includes any loan by the broker as a principal or an agent for others, and whether or not the person is acting within the course and scope of the license.

The bill would also make a legislative finding.

Ch. 308 (SB 350) Robbins. Insurance.

Existing law provides that the California Insurance Guarantee Association shall receive the benefit of any amounts recoverable on reinsurance contracts or treaties entered into by an insolvent insurer, as specified. Existing law further provides that the Insurance Commissioner, as liquidator, shall receive the benefit of any insurance recoverable to the extent of payments on claims loss adjustment expenses, or defense costs made prior to the order of liquidation.

This bill would delete these provisions. It would also make technical changes.

Ch. 309 (SB 304) Presley. Parent and child.

Existing law provides that parties to an adoption shall be interviewed by the State Department of Social Services or licensed county adoption agency within 45 days after the filing of the adoption petition.

This bill would provide that the petitioners and all persons from whom consent is required and whose addresses are known shall be so interviewed as soon as possible and in the case of residents of California within 45 working days after the filing of the adoption petition. The bill would, in addition, provide, in order to facilitate these interviews, that the petitioner, at the same time the petition is filed, shall file with the district office of the State Department of Social Services or the licensed county adoption agency responsible for the investigation of the adoption, a copy of the petition together with the names, addresses, and phone numbers of all parties to be interviewed, if known.

Existing law authorizes an action to be brought for the purpose of having any minor declared free from the custody and control of either or both of his or her parents under specified circumstances.

This bill would make various changes as to the circumstances under which such an action may be brought, including deleting a provision making one ground for such an action inapplicable to a parent who has been convicted of a felony.

Existing law relating to the removal of a minor from his or her parent's custody to the custody of the court under specified circumstances provides that the court shall order the release of the minor from the custody of the court unless it finds any of several specified circumstances to exist.

This bill would add to the list of circumstances with respect to which the court need not order the release of the minor from the custody of the court that of an indication by the minor of an unwillingness to return home, if the minor has been sexually molested by a person residing in the home.

Existing law relating to the removal of a minor from his or her parent's custody provides that when a hearing is held and no parent or guardian is present and no parent or guardian has actual notice, a parent or guardian may file an affidavit setting forth those facts, and the matter shall be set for rehearing within 24 hours.

This bill would provide that in lieu of a requested rehearing the court may set the matter for trial within 10 days.

Ch 310 (SB 194) McCorquodale Sturgeon.

(1) Under existing law, it is a misdemeanor, punishable by a fine of $500, or imprisonment for 6 months, or both the fine and imprisonment, to sell or purchase any fish, including the eggs from the fish, which was taken in or brought into the waters of the state, or brought ashore at any point in the state, under a sport fishing license. Existing law also makes it a misdemeanor, with the same punishment, to buy, sell, or, in specified places, to possess sturgeon.

This bill would make it an offense punishable as a misdemeanor, with a fine of up to $5,000; imprisonment in the county jail for up to one year; or both the fine and imprisonment, to purchase or sell, or to offer to purchase or sell, the eggs from a sturgeon, a whole sturgeon with eggs, or any part thereof with eggs. The bill would also impose these penalties on a person who buys, sells, or, in specified places, possesses sturgeon.

(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 impose a state-mandated local program by creating a new crime.

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

Ch. 311 (AB 1310) Rogers. Geologists and geophysicists.

Existing law authorizes the issuance of a certificate of registration as a geologist or geophysicist, without written examination, to any person who meets specified requirements including, among other things, 14 years of geological or geophysical work.

This bill would delete those provisions.

Ch. 312 (AB 1134) Klehs. Property tax exemption: religious purposes

Existing law exempts from property taxation buildings, land on which they are situated, and equipment used exclusively for religious worship. It also exempts from property taxation certain property used exclusively for religious, hospital, or charitable purposes. Chapter 542 of the Statutes of 1981 created, as specified, the "religious exemption" for property used exclusively for religious purposes, which requires any person claiming the religious exemption to initially submit to the assessor an affidavit containing specified information and once the exemption is received, requires that person to inform, as specified, the assessor thereafter, if the property is no longer eligible for the exemption

This bill would impose a state-mandated local program by permitting any claimant who has been found ineligible for the church exemption or the religious exemption after timely filing an affidavit to file an affidavit for a welfare exemption, so long as it is filed within 15 days from the date of notification by the assessor of the claimant's ineligibility for the church exemption or the religious exemption. In addition to the state-mandated local program previously described, this bill would also impose such a program by making various other technical and substantive changes to the laws dealing with the administration of those exemptions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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. 313 (AB 1058) Agnos. 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 agent's, rectifier's, importer's or wholesaler's license or business.

This bill would authorize the issuance of any retail offsale beer and wine license to any person with respect to the operation of a school for professional chefs, 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.

Ch. 314 (AB 1057) Agnos. 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 general license to any person with respect to the operation of a school for professional chefs, 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

Ch. 315 (AB 989) Costa. California State University: housing: contracts

(1) Existing law establishes the State College Revenue Bond Act of 1947 which authorizes the Trustees of the California State University to issue revenue bonds in order to raise funds for the purpose of establishing, acquiring, constructing, improving, equipping, furnishing, or refinancing any project, as defined

This bill would, additionally, authorize the trustees to issue revenue bonds for the purpose of financing any project, thus allowing the trustees to enter into financing arrangements with builders and developers not now available.

(2) Existing law authorizes the trustees to insure against loss of revenue and to use any insurance proceeds solely for the payment of bonds and notes, as defined, and the interest thereon.

This bill would, additionally, authorize the trustees to use these insurance proceeds for other purposes as may be provided in an indenture, as defined.

(3) Existing law establishes the California State University Dormitory Construction Fund and authorizes expenditures from this fund for certain specified purposes

This bill would, additionally, authorize, in carrying out these purposes, loans to builders and developers for specified purposes, and would authorize funds for projects as the trustees may authorize by resolution approved by the State Board of Control.

(4) Existing law establishes the California State University Contract Law which requires the trustees generally to solicit bids for projects exceeding $5,000 and to award the work to the lowest responsible bidder

This bill would allow the trustees to enter into an agreement with a contractor for both the design and construction of a project and would require that work be done by a contractor chosen by a competitive bidding process employing criteria in addition to cost. However, this bill would require that any work performed pursuant to this provision be prepared and signed by an architect certificated pursuant to specified statutory provisions of the Business and Professions Code

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

Ch. 316 (SB 502) Maddy. Pharmacists.

Existing law provides that prior to performing specified procedures or functions in a licensed health care facility, a registered pharmacist shall have received appropriate training as determined by the California State Board of Pharmacy.

This bill would provide, instead, that a registered pharmacist shall have received appropriate training prior to performing such procedures and functions, as prescribed in the policies and procedures of the licensed health care facility.

Existing law provides that a registered pharmacist may, in a licensed health facility, adjust the dosage of a patient's drug regimen pursuant to a prescriber's authorization

This bill would instead authorize the pharmacist to initiate, as well as adjust, the drug regimen of the patient pursuant to an order or authorization of the patient's prescriber and in accordance with the policies, procedures, or protocols of the facility.

Ch. 317 (SB 646) Rosenthal. Community college districts: nonresident tuition

Under existing law, the governing board of a community college district is required to set a nonresident tuition fee not later than February 1 for the succeeding fiscal year which is based generally on the amount expended by the district for the current expense of education in the preceding fiscal year.

This bill would additionally permit the nonresident tuition fee to be based upon an amount not to exceed the fee established by the governing board of any contiguous district.

Notwithstanding the February 1 deadline imposed by existing law, the bill would also authorize the governing board of a community college district to increase the nonresident tuition fee for the 1983–84 fiscal year on or before August 1, 1983.

This bill would take effect immediately as an urgency statute

Ch. 318 (AB 1299) Isenberg. In-Home Supportive Services.

Existing law provides for the County-Administered In-Home Supportive Services program, under which recipients are provided with services to enable them to remain in their own homes.

This bill would appropriate the sum of $6,700,000 from the Federal Trust Fund to the Social Welfare Federal Fund, for allocation to counties by the State Department of Social Services to cover costs of providing services under the In-Home Supportive Services program.

This bill would take effect immediately as an act making an appropriation for usual current expenses.

Ch. 319 (AB 917) Bates. Mental health services

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. Existing law also provides that (1) a certification review hearing is to be held when these persons are certified for an additional 14 days of intensive treatment and specifies the procedures for these hearings, including the written notification of the decision to the attorney or advocate for the person being certified and that (2) when a person is certified for additional treatment, he or she is to receive a copy of the notice of certification, and that the person delivering the notice is to inform the person certified that he or she is entitled to a certification review hearing to be held within 4 days.

This bill would require that written notification pursuant to (1) above also be given to the director of the facility where the person is receiving treatment, and that a copy of the decision be submitted to the superior court.

The bill would require the person delivering the notice of certification under (2) above to inform the person certified that he or she is entitled to a certification review hearing to be held within 7 days of the initial detention of the person

Under existing law, the certification review hearing must be held within 7 days of the initial detention of the person unless postponed for a period not to exceed 48 hours This hearing is required to be conducted by either a court-appointed commissioner or a referee, or a certification review hearing officer

This bill would permit counties with a population of 100,000, or less, to postpone the hearing until the next regularly scheduled hearing date. The bill would prohibit an employee of the county mental health program or of any facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation from serving as a certification review hearing officer

Existing law provides that the professional person in charge of the facility providing 14-day intensive treatment under the Lanterman-Petris-Short Act, his or her designee, the court-appointed commissioner or referee, the certification review hearing officer conducting the certification review hearing, and the peace officer responsible for the detainment of the person shall not be held civilly or criminally liable for any action by a person released at or before the end of the 14 days of intensive treatment

This bill would also give this immunity to the attorney or advocate representing that person.

Ch. 320 (SB 1267) Petris. Community property division: arbitration.

Under existing law, unless the parties to a dissolution proceeding otherwise agree, the court will divide the community property and quasi-community property of the parties equally.

This bill would authorize the issue of the character, value, and division of the property to be submitted to judicial arbitration by the court if the value of the community does not exceed $25,000.

Ch. 321 (SB 632) McCorquodale. Sewer charges: collection on tax roll.

Charges imposed by local governments for services and facilities furnished in connection with sanitation and sewerage systems may be collected on the tax roll. This method of collection must be authorized annually by an ordinance adopted by a ⅔ vote of the governing body.

This bill would authorize continuing collection of these sewer charges on the tax roll, when approved by ordinance or resolution of the governing body of the local government by a ⅔ vote until the time specified in the ordinance or resolution. If no time is specified, then collection on the tax roll would be authorized until the authorizing ordinance or resolution is repealed or until a change is made in the sewer rates.

Ch. 322 (AB 1662) Connelly. State Bar of California. 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. This provision is operative until January 1, 1984. Existing law also authorizes the State Bar to increase the annual membership fee by an additional amount, to be applied for the cost of land and buildings to be used to conduct the operations of the State Bar, as specified. This authorization is operative only until December 31, 1983.

This bill instead would provide for a basic membership fee of $175 for 1984 and $180 for 1985, for members who have been admitted 3 years or longer; $105 for 1984 and $115 for 1985, for members who have been admitted less than 3 years but more than one year; and $100 for those members who have been admitted less than one year, as specified. It also would specify that the authorization for that fee would be operative only until January 1, 1986. It also would provide that the provision authorizing the increase in the membership fee to be used for the cost of land and buildings would be operative until December 31, 1985.

Ch. 323 (AB 223) Vasconcellos. Fiscal affairs.

† (1) Existing law requires the Controller to publish a certain notice within 150 days

† I object to the following sections contained in Assembly Bill No 223

SEC 97.5. – I am eliminating the $1 million reappropriation contained in this section for the purpose of funding a mental health program in private industry for displaced workers

I believe that mental health services for displaced workers should be funded as a part of legislation implementing such a program

SEC 149.3 – I am eliminating this section which contains controlling language of appropriation and a specific appropriation

I believe the Budget Act appropriation which provides funding for the Driver Training Program from the Motor Vehicle Account is appropriate for the 1983–84 fiscal year

SEC 149 41. – I am eliminating the language contained in the section which would appropriate additional funds to the City of Avenal

There is no indication that this city should receive special treatment at a time when all levels of government in California face serious fiscal constraints

SEC 149 42. – I am eliminating the language contained in this section which would appropriate additional funds to the City of Southgate

There is no indication that this city should receive special treatment at a time when all levels of government in California face serious fiscal constraints

SEC 151 14 – I am eliminating the language contained in this section which would maintain funding for the Graduate Field Research Training Program in Ethnic/Minority Communities at the University of California at its 1982–83 fiscal year level for the 1983–84 fiscal year

after receipt of certain escheated property

This bill would revise the requirements for the contents and method of publication of the notice.

(1.2) Under existing law, the Controller is required to establish and maintain a procedure to locate the owners of unclaimed property that has escheated to the state

This bill would delete this requirement.

(1.5) Under existing law, authority is given to the Bureau of Employment Agencies to charge various fees not to exceed specified maximum amounts relating to the application, licensing, and examination of employment agencies.

This bill would require a public hearing and specified notice prior to the effective date of a change in these fees.

(1.7) Existing law creates various special funds in the State Treasury.

This bill would create the Athletic Commission Fund in the State Treasury, and would authorize the Director of Finance to allocate a loan from the General Fund to the Athletic Commission Fund. The bill would also authorize the Athletic Commission to have the services of the Attorney General free of charge for the 1983–84 fiscal year.

(1 8) Existing law requires, with specified exceptions, a professional boxing club licensed by the State Athletic Commission to pay an admission tax to the commission of one cent for each 50 cents, or fraction thereof, of the amount paid for admission and of the gross price for the sale, lease, or other exploitation of broadcast or television rights, but in no case shall the tax be less than $50.

This bill would revise the admission tax to be paid by a professional boxing club to one cent for each 20 cents, or fraction thereof, of the amount paid for admission and of the gross price for the sale, lease, or other exploitation of broadcast or television rights. The $50 minimum tax would be retained

(1.9) Existing law requires every association conducting horseracing with parimutuel wagering to deduct 15% from the conventional parimutuel pools and 16.75% from the exotic parimutuel pools for distribution as license fees, commissions, and purses in accordance with specified percentages.

This bill would require any association conducting a racing meeting between August 1, 1983, and July 1, 1984, to deduct 17.75% from the exotic parimutuel pools and to pay an additional state license fee equal to 1% of the exotic parimutuel pool.

(2.1) Existing law provides for fees, penalties, and limits for offers of compromise with regard to those persons who are licensed by the Department of Alcoholic Beverage Control.

This bill would raise certain fees, penalties, and limits for offers of compromise, as specified.

Existing law also provides that the Office of Administrative Law shall conduct hearings whenever the Department of Alcoholic Beverage Control (1) refuses to issue a license and the potential licensee petitions the department for a hearing, (2) approves

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While the program is effective and is expected to be continued by the University, I have eliminated the section because it limits flexibility of the University administration to allocate limited resources, and because it mandates state assumption of a program which the federal government may discontinue

SEC 151 5 -- I am eliminating this section It would require that the Calaveras Fire Center be operated only as a joint fire center by the Department of Forestry and the California Conservation Corps

Funding for the Calaveras Fire Center has been eliminated from Item 3340-001-001 The California Conservation Corps no longer requires the use of this camp In addition, the provision unnecessarily restricts the flexibility of other state agencies performing comparable fire suppression activities.

SEC 151 23 -- I am eliminating the language contained in this section which would reduce the appropriation for support of the Department of Finance if support for the Agricultural Labor Relations Board is reduced

I am eliminating this section because it abridges my constitutional authority to eliminate or reduce an item of appropriation

SEC 151 28 -- I am eliminating the allocation of federal Jobs Bill money contained in this section

This section duplicates items in the 1983–84 Budget Act and is included here solely to limit my constitutional authority to reduce or eliminate items of appropriation Since this language constitutes an appropriation I eliminate it

SEC 151.35. -- I am eliminating the claim of Beatrice Carrico Wood contained in this section

Claims against the State should be carefully reviewed before funds are appropriated. This claim should be resubmitted as part of the normal claims bill process or as a separate bill.

SEC 151 36 -- I am eliminating the appropriation for the 48th District Agricultural Association contained in this section

This section provides a request for appropriation at some time in the future. Financial needs of the 48th District should be compared against competing demands for limited State resources This request should be funded through the normal budgetary process

With the above deletions, I hereby approve Assembly Bill No 223

GEORGE DEUKMEJIAN, Governor

a license which is objected to by another party, or (3) decides to take action against a licensee for violations of the Alcoholic Beverage Control Act or departmental regulations.

This bill, among other things, would provide, with limited exceptions, that any person requesting one of the above-mentioned hearings shall deposit $750 with the department prior to the time a hearing date is set by the department. If a proposed decision upholding the person requesting a hearing is subsequently filed with the department by the hearing officer conducting the hearing, the department shall refund the full amount deposited; however, if a proposed decision not upholding the person requesting the hearing is filed by the hearing officer conducting the hearing and the department subsequently finalizes the decision, the person requesting the hearing shall pay the actual costs of the hearing to the department, as specified.

(4) Existing law prescribes the amounts of state aid for schools to be apportioned by the Superintendent of Public Instruction to county superintendents of schools.

This bill would reduce these amounts by the amount of certain decreases in employer contributions by county offices of education to the Public Employees' Retirement System.

(4.5) Under existing law, recipients of public assistance are exempt from fees established for specified state child care services

This bill would delete that provision and specify that SSI-SSP and AFDC grants are to be considered as income for purposes of determining the amount of fees for those services.

(5) Existing law requires each county to maintain a minimum level of expenditure for child care services provided by the county equal to the level of expenditure for the 1970–71 fiscal year.

This bill would require the Superintendent of Public Instruction to ensure each county's compliance with that maintenance-of-effort requirement by, among other things, prohibiting the issuance of funds to a local child care contractor within a county until the superintendent has received written certification of compliance from that county.

This bill would impose state-mandated costs upon those counties which must provide the Superintendent of Public Instruction with written certification of their maintenance of the statutorily required minimum level of expenditure for child care services provided by the county.

(5.5) Existing law requires the Commission on Teacher Credentialing to compile, update, and maintain a directory of bilingual-crosscultural teachers available to teach in bilingual education programs and to send the directory to all school districts on or before March 15 annually.

This bill would delete the requirement that the commission send the directory to all school districts on or before March 15 annually.

(6) Existing law prescribes a method for computing state aid to each public library, as defined, for the 1982–83 fiscal year and each fiscal year thereafter. Under existing law, there is a fund established in the State Treasury known as the Public Library Fund into which the Controller is required to transfer specified amounts from the General Fund.

This bill would delete the provisions of existing law and, instead, require the Controller to transfer certain amounts on January 1, 1984, and July 1, 1984, and each July 1 thereafter, from the General Fund to the Public Library Fund.

(10) A provision of the existing State Teachers' Retirement Law creates in the Teachers' Retirement Fund a continuously appropriated Retirees' Purchasing Power Protection Account into which certain annual Budget Act appropriations from the General Fund are to be placed and from which nonvested, noncumulative, quarterly payments commencing on September 1 are to be annually distributed proportionately to all retirants, disabilitants, and beneficiaries, the purchasing power of whose benefits are less than 75%, as specified.

This bill would eliminate the 75% criterion and, instead, require the benefits to be increased to a common minimum purchasing power level.

(12) Existing law prescribes a method for computing state apportionments to school districts based on district revenue limits per unit of average daily attendance, adjusted each year for inflation. In the 1982–83 fiscal year, the inflation adjustments prescribed by statute were superseded by the Budget Act of 1982

This bill would, if SB 813 is not enacted, reduce the amounts apportioned to school districts by the amount of certain decreases in employer contributions by school districts to the Public Employees' Retirement System

(14 5) This bill would authorize the Superintendent of Public Instruction to allocate funds to school districts which were recovered from publishers and deposited in the Instructional Materials Fund as a result of proceedings against the publishers.

(14.6) 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 driver training, environmental education, adult education, career guidance centers, and transportation programs

Existing law prescribes a termination date of June 30, 1984, for demonstration programs in reading and mathematics, school improvement programs, professional development centers and staff development centers, and economic impact aid programs

This bill would prescribe a termination date of June 30, 1985, for the driver training, environmental education, adult education, and transportation programs, but would leave the June 30, 1983, termination date for the career guidance centers program.

This bill would prescribe a termination date of June 30, 1986, for demonstration programs in reading and mathematics, school improvement programs, professional development centers and staff development centers, and economic impact aid programs.

This bill would also state the intent of the Legislature to create its own review process so as to expeditiously complete program reviews required by these provisions.

(14.8) Under existing law, there is a California Postsecondary Education Commission which serves as the statewide postsecondary education planning and coordinating agency and adviser to the Governor and Legislature

This bill would state the intent of the Legislature that the commission annually review and fix the salary of its director according to a methodology established by the commission, as specified, and to notify the Chairperson of the Joint Legislative Budget Committee in writing of this annual salary amount.

(14.9) Under existing law, services for disabled students which are transferred from the State Department of Rehabilitation to the California community colleges and the California State University are required, and services provided at the University of California are authorized, to be provided to the students at a level no less than the level at which the services were provided by the department on July 1, 1981.

This bill would authorize federal and state vocational rehabilitation funds to be utilized to provide reader and interpreter services to clients of the Department of Rehabilitation in full compliance with applicable federal and state laws and regulation and policies and procedures of the Department of Rehabilitation.

This bill would express legislative intent with regard to the use of these funds

This bill would also authorize the Board of Governors of the California Community Colleges to permit community college districts to elect to provide direct support services, as specified, to students with disabilities through an independent contractor system, as specified. This provision would remain in effect until July 1, 1984.

(15.5) Under existing law, community college districts are authorized to seek approval from the Chancellor's office of the California Community Colleges to offer courses under a flexible calendar year program, as prescribed.

The Chancellor is required to report annually to the Legislature concerning the effectiveness of the flexible calendar year program and is required to study and evaluate the program and recommend any needed modifications or policy changes to the Legislature by February 1, 1985.

This bill would delete the requirement that the Chancellor submit annual reports concerning the effectiveness of the flexible calendar year program. The bill would also delete the provision regarding the study and evaluation of the program and the submission of any needed modifications or policy changes

(15.7) Under existing law, the Trustees of the California State University are required to provide by rule for the government of their appointees and employees pursuant to certain provisions of law, including, but not limited to, appointment, classification, terms, duties, pay and overtime pay, travel expenses and allowances, and rates for housing and lodging.

This bill would specifically prohibit charges from being assessed against residences occupied by the Chancellor or presidents during the 1983–84 fiscal year

(17) Existing law generally prescribes the powers and functions of the Regents of the University of California.

This bill would prohibit the Regents of the University of California from entering into a lease-purchase agreement which involves building space, unless the agreement is reviewed and approved by the Legislature by statute.

(18) Under existing law, except as specified, any money specifically appropriated to, or for the use of, or expenditure by, the Regents of the University of California, may be withdrawn at any time in its entirety from the State Treasury, at the direction of the regents upon a warrant payable to the treasurer of the regents.

This bill would require that money which has been or is appropriated or allocated to the regents for capital outlay which remains after the accomplishment of the purpose for which it was appropriated or allocated shall be used and expended by the regents in executing and furthering the building and improvement program of the University of California, with the prior approval of the State Public Works Board This bill would make the money available for the payment of encumbrances, as specified, without regard to fiscal years, and any unencumbered balances existing as of the date on which the appropriation or allocation otherwise would lapse would then revert to the General Fund.

(19) Existing law provides for the transfer of money from the General Fund to the State Energy Loan Fund to meet the loan requests of the State Assistance Fund for Energy, California Business and Industrial Development Corporation Existing law limits the total amount which may be transferred to $2,500,000, except that the Budget Act of 1982 limited the total amount to $1,500,000 for the 1982–83 fiscal year.

This bill would provide, instead, for the transfer of money from both the General Fund and the Energy Resources Programs Account, General Fund, to the State Energy Loan Fund. The bill (1) would limit the amount transferred from the General Fund to an amount not exceeding $1,500,000 and (2) would limit the amount transferred from the Energy Resources Programs Account, General Fund, to an amount not exceeding $1,000,000 upon the meeting of specified requirements by the State Assistance Fund for Energy, California Business and Industrial Development Corporation

(19.5) Under existing law, statutes applicable only to certain specific fiscal years have provided for continuity of state government in the event that a budget act for the particular fiscal year is not enacted by the first day of that fiscal year.

This bill would provide for continuity of state government in the event that a budget act for any fiscal year is not enacted by the first day of that fiscal year, and would make an appropriation by specifically authorizing the expenditure of funds appropriated by that budget act

(20.2) Under the existing state employer employee relations law and the existing higher education employer-employee relations law, the amount of rental rates for state-owned housing charged to state employees, including California State University employees, is subject to the requirement that the employers and employee representatives meet and confer and endeavor to reach agreement.

This bill would exclude these rental rates from the scope of this requirement

(20.5) Existing law provides for state employer-employee relations. Certain state officers and employees are not presently covered by memoranda of understanding negotiated under the collective bargaining process.

This bill would require the Department of Personnel Administration to adopt emergency regulations to implement employee benefits for state officers and employees excluded from, or not otherwise subject to, collective bargaining.

(20.6) A provision of law, in effect until July 1, 1983, provided that preference be awarded to California-based companies submitting bids or proposals for state contracts for goods or services in excess of $100,000 when those contracts were to be performed in distressed areas, as specified

This bill would reenact this provision

(21) Existing law provides for a California Public Broadcasting Fund in the State Treasury which is administered by the California Public Broadcast Commission. The purpose of the fund is to annually fund state support for the development, operation, interconnection, and programming of public broadcasting stations

This bill would delete the statutory authority for the California Public Broadcasting Fund, and would make conforming changes in related provisions of law

(21 5) Under existing law, when state land has been declared surplus it is transferred to the jurisdiction of the Department of General Services for sale or disposition The surplus land is disposed of by the department for fair market value, except as prescribed

This bill would require that whenever any state agency or local governmental agency receives any state surplus property at less than fair market value, it must pay all net management and administration costs incurred by the department

(22) Existing law provides for a California Information Systems Implementation Committee which is charged with formulating recommendations for appropriate legislative and executive actions for implementing electronic data-processing policies under specified statutes

This bill would delete the statutory authority for this committee

(22.5) Existing law requires the Governor's Budget for the 1983–84 and 1984–85 fiscal years to contain the most recent estimate of the increase in General Fund revenues attributable to construction activity resulting from the enactment of specific provisions of law and which is available for transfer to the Housing Assistance Trust Fund for specified purposes. It requires the estimate to be prepared by the Commission on State Finance.

This bill would delete the requirement that this estimate be prepared by the commission.

(22.7) Existing law imposes various requirements with respect to the annual budget submitted by the Governor to the Legislature

This bill would provide that the budget submitted by the Governor shall contain a statement on the estimated growth of property tax revenue for the fiscal year and data on the effect of the growth of property tax revenues on state subventions for school districts.

(22.8) Under existing law, employer and employee Social Security contributions are not required with respect to certain compensation paid to public employees on approved leaves of absence on account of sickness; however, certain related overpayments have been made

This bill would authorize the Controller, with the approval of the Department of Finance, to seek recovery of these overpayments from the federal government through a self-supporting program, as specified.

(23.5) This bill would require the Controller to abolish, effective July 1, any state position, except as specified, which was vacant continuously during the period between October 1 and June 30 of the preceding fiscal year and would prohibit expenditure of money appropriated by the subsequent Budget Act to pay the salary of any abolished position Positions which were vacant for part or all of the last 9 months of a fiscal year because of a hiring freeze in effect during part or all of the 9-month period and remain vacant on June 30 would also be abolished, except as specified.

This bill would also require the Controller annually to furnish the Department of Finance and the Joint Legislative Budget Committee a report on continuously vacant and unfilled positions, as specified

(24) Existing law provides that the Controller shall not draw warrants on the State Treasury for the payment of money unless authorized by law and unless unexhausted specific appropriations provided by law are available to meet it

Existing law also provides for the refund of certain fees or excess payments made to state agencies

In addition, existing law provides that if the fees or excess funds are deposited in the State Treasury, the refund shall come from the fund to which it was credited

This bill would amend existing law by providing that the Controller shall not draw warrants on the State Treasury for the payment of money unless authorized by law and unless, with the exception of the above-mentioned refund, unexhausted specific appropriations provided by law are available to meet it. In addition, the bill would include a definition of "erroneous or excessive payment" and provide that a refund may be paid before the fee or payment is deposited in the State Treasury from any unremitted balance of revenue of the same nature in the agency's checking account

(24.5) The annual Budget Act appropriates funds for capital outlay and support for cogeneration facilities.

This bill would require the Department of Finance to report, as specified, prior to the allocation of these funds, prior to the approval by the department of certain agreements, and after the completion of any cogeneration project funded by the Budget Act or any other act

(24.7) Under existing law, the Department of Finance may revise, alter, or amend any fiscal year budget, before or after approval, if, in its opinion, that action is required in the interest of the state

This bill would authorize the department to take that action until enactment of the budget act containing the appropriations funding the fiscal year budget

(24.8) Under existing law, various conditions and restrictions have been imposed by the Legislature on appropriations made in the Budget Act of 1982 for the 1982–83 fiscal year.

This bill would place these conditions and restrictions in the Government Code and, thus, would make them applicable to all appropriations beyond the 1982–83 fiscal year

(26) Existing law requires the Department of Finance, on or before January 31st, after the budget is submitted, to submit a plan and annually report to specified committees of the Legislature the methods and procedures used in establishing budget priorities.

This bill would require the Department of Finance to submit a plan and revisions as required to the Legislature on or before August 31, 1983, on the methods and procedures used in establishing budget priorities, as specified. The bill would also require the plan to be fully implemented for the 1986–87 fiscal year.

(26.5) Existing law provides that on and after July 1, 1983, no moneys in a continuously appropriated fund, except as specified, may be encumbered unless the Legislature, by statute, specifies that the moneys in the fund are appropriated for encumbrance. The Department of Finance was required to submit a report to the Legislature not later than January 1, 1982, containing a recommendation as to which of the funds, if any, should continue to be continuously appropriated

This bill would change the date to July 1, 1984, and delete the obsolete provisions relating to the report by the department.

This bill would also express legislative intent regarding the criteria to be used by the Legislature and the Executive Branch in determining whether funds of this type should continue to be continuously appropriated without regard to fiscal year.

(26.6) Existing law prohibits the Director of General Services from entering into a lease-purchase agreement or a lease with the option to purchase agreement of real property which involves building space unless and until the agreement has been reviewed by the Legislative Analyst and notification has been given to specified legislative committees.

This bill would prohibit the director from entering into any lease-purchase agreement, or lease with an option to purchase with an initial option purchase price over $2,000,000, either of which involves office space, unless specifically authorized to do so by the Legislature. In addition, the bill would prohibit the director from entering into a lease with an option to purchase, involving office space, which has an initial option price of $2,000,000 or less, unless at least 30 days prior to its execution the director notifies the Chairperson of the Joint Legislative Budget Committee and the chairperson of the fiscal committee of each house

(27) Existing law permits a county which is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.0125 of 1% of the full value of property assessed for purposes of taxation within the county

The bill would limit reimbursement for travel and per diem expenses, as specified

(27.5) Existing law provides for the Department of Economic and Business Development, with specified powers, duties, and functions, to implement the state economic policy pursuant to specified provisions of the law

This bill would authorize the four offices within the department to charge fees for services and assistance, as specified

(28) Existing law provides that when the State Public Works Board has determined that any construction, improvement, and the purchase of equipment is to be undertaken, or that plans and specifications for the construction, improvement, and equipment shall be prepared, the Director of Finance, as specified, shall allot to certain state agencies the amount required to perform the work approved

This bill, in addition to existing law, would provide that state agencies are authorized to incur obligations, not to exceed $3,000,000, as specified, in estimated costs, to be met during the fiscal year following the year of a project completion, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds The bill would provide that no obligation could be incurred without the approval of the Department of Finance and the State Public Works Board.

(29) Existing law directs the State Public Works Board to develop a contingency plan for emergency public works and to submit annually to the Governor, in time for inclusion in the Governor's economic report, a report on the contingency plan

This bill would make preparation of the annual contingency plan for emergency public works discretionary with the State Public Works Board and would eliminate or modify certain requirements of the plan.

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

This bill would make changes in the method of and the time for making those payments. The bill would also provide for increases for any fiscal year as may be provided by the Budget Act for that year.

(31.5) Under existing law, certain classes of persons are permitted to postpone the payment of their property taxes. In the event payment is deferred, interest accrues at a rate of 7% per annum on the deferred payment

This bill would require the Controller to adjust this rate, as specified.

(31.7) Existing law allows, until June 30, 1985, temporary borrowing by the state by the issuance of notes or other short-term instruments authorized by the Pooled Money Investment Board upon written request of the Governor

This bill would revise this law, including revision of the provisions for interest rates and payment and redemption of the notes.

(32.7) Existing law requires the Department of Personnel Administration to submit to parties engaged in the state employer-employee collective bargaining process and to the Legislature, a yearly report containing the department's findings relating to the salaries of employees in comparable occupations in private industry and other governmental agencies.

This bill would transfer this function to the State Personnel Board.

(33) Existing law makes it unlawful for the state to engage in specified unfair practices with regard to state employer-employee relations. Existing agreements between the state employer and employee organizations representing state employees permit the employee organizations to submit an employee grievance to binding arbitration.

Existing law also requires the chief counsel of the Department of Personnel Administration to represent the department in all legal matters in which the department is interested before any administrative agency or court of law

This bill would require the department to charge other state agencies and departments the actual and necessary costs of legal services rendered by the department in unfair practice cases, representation cases, and requests for injunctive relief in grievance arbitration cases arising under negotiated memoranda of understanding, and in all labor law and nonmerit personnel matters in state and federal courts.

The bill would also require the department in grievance arbitration cases to charge state agencies involved for the actual and necessary costs of arbitration, including the state's share of the arbitrator's fees, transcription fees, and other related costs, and would require the department to charge state agencies for their pro rata share of the actual and necessary costs of negotiating and administering memoranda of understanding.

(33.1) Existing law authorizes the Department of Personnel Administration, subject to other applicable provisions of state law, to enter into contracts for the purchase of employee benefits, as described, for state managerial and confidential employees and other specified state employees who are not covered by the state collective bargaining process.

This bill would authorize the department to also procure these employee benefits for nonelected officers and employees of the executive branch of government who are not members of the state civil service system.

(33.2) Existing law provides for the Public Employees' Retirement Law and prescribes, among other things, the rate of contributions by members.

This bill would provide that for the 1983–84 fiscal year only, the amount of salaries and wages excluded from the normal rate of contributions as specified in an approved memorandum of understanding between a recognized employee organization and the state employer or higher education employer, as defined, shall be controlling. In addition, the employer would be authorized to apply that specified amount of salaries and wages excluded from the normal rate of contribution to employees not covered by the memorandum of understanding.

(33 3) Existing law authorizes counties to permit their public defenders to enter into reciprocal or mutual assistance agreements with public defenders of other counties permitting temporary assignment of a deputy from one county to another in actions or proceedings in which the public defender of the county to which a deputy has been assigned has properly refused to represent a party because of conflict of interest

This bill would authorize the reciprocal or mutual assistance agreements also to apply in those cases where there is some other "present inability," as defined.

(33.4) Existing law requires the Secretary of State, for the purpose of provisions of law relating to the compensation of judges, to determine the population of a county by determining the number of registered voters qualified to vote in each county before the first day of December of each even-numbered year, multiplying the total in each county by 2, and certifying the result to the Controller The Controller then determines whether a county has a population which would raise it to a higher classification.

This bill would instead require the Department of Finance, before the first day of December of each year, to certify to the Controller the population of each county as determined by the department pursuant to existing law

(33 5) Existing law requires the State Personnel Board to administer an appropriate examination and certify to the superior courts a list of qualified interpreters once annually

This bill would instead require the examination and certification as frequently as needed to insure that qualified interpreters are available

(33 6) Existing law provides that the State Personnel Board shall conduct both written and oral examinations for interpreters and shall compile and publish a list of the interpreters for superior courts and for state agencies which conduct administrative hearings

This bill would require the State Personnel Board to charge a fee to applicants of the above examinations and to charge and be reimbursed a pro rata share of the costs of carrying out the above provisions by the Judicial Council and state agencies which conduct administrative hearings

(33.7) Under existing law, a railroad corporation is required to obtain certain government permits and approvals in order to construct or modify a rapid rail transit system or project

This bill would require the corporation to reimburse state agencies, as specified, for all costs of the agency directly related to processing any application or approval related to the system or project

(33.8) Under existing law, the Director of Health Services is required to adopt emergency regulations, effective July 1, 1982, relating to small intermediate care facility/developmentally disabled habilitative facilities The regulations are to remain in effect for a period of one year or until approved by the Office of Administrative Law

This bill would require the director to adopt these emergency regulations, effective July 1, 1983 The regulations would remain in effect until June 30, 1984.

(33.9) Under existing law, the California Health Facilities Commission is required to set, charge, and collect a special annual fee, as specified, from all health facilities

This bill would exclude health facilities owned and operated by the State of California from the payment of this special annual fee

(33 10) Under existing law, laboratories licensed by the Department of Health Services are prohibited from offering the maternal serum-alpha fetoprotein screening test for prenatal detection of neural tube defects of the fetus until the department develops regulations, although certain laboratories are exempted from the prohibition

This bill would require the department to promulgate these regulations on or before June 30, 1984

(34) Existing provisions of law relating to the licensing of family day care homes will be repealed by their own terms on July 1, 1984, unless a later enacted statute chaptered before July 1, 1984, deletes or extends that date A license is automatically renewed if the licensee has not committed any violations of these licensing provisions during a specified time period

This bill would extend the termination date for the licensing of family day care homes by changing the repeal date to July 1, 1989 The bill would delete the provisions of existing law regarding automatic renewal of a license and would require an unannounced site visitation for the renewal of a license The bill would also increase licensing requirements for family day care homes and increase the education program for parents and staff

(34 2) Under existing law, the State Board of Fire Services is required, among other things, to establish suggested minimum standards with respect to fire service personnel, firefighting techniques, and fire apparatus and equipment, to recommend curricula for course and seminars in fire science and technology training, and to establish advisory committees or panels, as necessary The board, in cooperation with the Office of the

State Fire Marshal, is required, among other things, to establish and validate recommended minimum standards for fire protection personnel and instructors at all career levels, and to provide for entry and promotional examination.

This bill would transfer these functions, among others, from the State Board of Fire Services to the State Fire Marshal. In addition, the bill would require the State Fire Marshal to develop curricula for courses and seminars in fire service and technology training.

Further, the bill would create the California Fire Service Training and Education System Fund, money in which would be available for the Office of the State Fire Marshal when appropriated by the Legislature.

(34.3) Existing law requires the Director of the Department of Health Services to establish a schedule of fees for the disposal of hazardous wastes sufficient to cover all the costs incurred in the administration of specified provisions of law and provides for an interim statutory fee in a fixed amount until July 1, 1982

This bill would require the director, in establishing a schedule of fees, to provide for a 5% operating reserve. This bill would expand the purposes for which the statutory fees may be used. This bill would increase the statutory fees for the period July 1, 1983, to June 30, 1984, and would authorize the department to increase the fees, as specified.

(34.5) Existing law provides for a Hazardous Waste Management Council, which has the responsibility of preparing a Hazardous Waste Management Plan prior to April 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. The council will cease to exist on January 1, 1984.

This bill would change the date by which the plan is required to be prepared to January 1, 1984, and change the date by which the final plan must be submitted to the Governor and the Legislature to June 30, 1984 The bill would also provide that the council will cease to exist on July 1, 1984, rather than January 1, 1984.

(34.7) Existing law authorizes the Department of Housing and Community Development to process certain reports prepared by local redevelopment agencies and housing authorities.

This bill would require these local public entities, upon the request of the department, to reimburse the department for its costs in processing these reports. This bill would, thus, impose state-mandated costs upon those local public entities.

(34.8) Under existing law, the California Housing Finance Agency is a primary agency in the implementation of state housing policy.

This bill would require the agency to annually provide to the Legislature and the Legislative Analyst information, as specified, concerning all housing units produced, assisted, or insured using agency funds.

(34.9) Under existing law, the state has embarked upon programs to encourage the construction of housing and to assist in the financing thereof.

This bill would express legislative intent regarding the use of tax-exempt mortgage revenue bonds in the production of housing units for low-and moderate-income persons and families. The bill would also require the Legislative Analyst to include in the 1984 Report to the Joint Legislative Budget Committee and in annual updates thereafter an analysis of the costs and benefits of specified tax-exempt mortgage revenue bond financing programs.

(34.10) Under existing law, the Executive Director of the California Housing Finance Agency is required to prepare a preliminary budget on or before December 1 of each year for the ensuing fiscal year for the agency.

This bill would require the executive director to prepare a final budget on or before January 10 of each year for the ensuing fiscal year for the agency.

(34.11) Under existing law, the Labor Commissioner is required to enforce the labor laws of the state, may receive and investigate employee complaints, and is required to determine all matters arising under his or her jurisdiction.

This bill would require the Labor Commissioner to establish and maintain a field enforcement unit with primary responsibility for administering and enforcing those statutes and regulations most effectively enforced through field investigations, including specified provisions, to adopt an enforcement plan for the field enforcement unit identifying specified priorities, and to report to the Legislature annually concerning the effectiveness of the field enforcement unit, including specified factors.

(35) Existing law requires every talent agency to pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of $150

This bill would increase the annual license fee for a talent agency to $225.

(35.5) Under existing law, the governing board of a school district is authorized to appoint officers in the California Cadet Corps for duty in each college, community college, or high school under its jurisdiction.

This bill would, in addition, authorize the governing board of a school district to appoint officers in the California Cadet Corps for duty in each junior high or elementary school under its jurisdiction

(36 5) Existing law provides for the payment of "reasonably necessary" expenses of investigators, experts, and others for the preparation or presentation of the defense of an indigent defendant in a capital case

This bill would limit reimbursement for travel and per diem expenses, as specified.

(37.5) Existing law authorizes the Department of Justice to charge a fee for providing state summary criminal history information to certain persons or entities Any state agency required to pay that fee to the department is authorized to collect a fee, as specified, sufficient to reimburse it for that expense.

This bill would permit any person or entity, rather than only a state agency, to collect a fee sufficient to reimburse the person or entity for that expense

(37 6) Existing law, in effect until January 1, 1984, provides for a pilot project in Alameda County, Contra Costa County, and Los Angeles County to develop, test, and evaluate programs for earthquake safety education.

This bill would extend the program until July 1, 1984.

(38) Under existing law, at the beginning of each fiscal year, 30% of the revenues received and deposited in the Geothermal Resources Development Account are required to be transferred to the Renewable Resources Investment Fund

This bill would require the 30% of those revenues, instead, to be transferred upon receipt by the Controller.

(40) Under existing law, no funds may be transferred to the Energy Account of the Energy and Resources Fund unless a reorganization of the State Energy Resources Conservation and Development Commission has been enacted by the Legislature.

This bill would delete this provision and would also authorize the Director of Finance to direct the Controller to make transfers between the Energy Account and the Resources Account of the Energy and Resources Fund, or between either account and the fund, as prescribed, for cash flow purposes.

(40 5) Under existing law, the California Coastal Act of 1976 prescribes, among other things, the policies of the state with respect to public access, recreation, marine environment, and land resources and provides, generally, for carrying out these policies in connection with management of the coastal resources

This bill would specifically prohibit the Office of Planning and Research from exercising any powers or carrying out any duties or responsibilities established by the California Coastal Act of 1976 or the Federal Coastal Zone Management Act of 1972, except as specified

(41) Existing law provides generally for the support of the Public Utilities Commission both from the General Fund and from the Transportation Rate Fund which receives revenues from fees assessed against certain classes of carriers and related businesses and which is continuously appropriated for the support of the commission. Existing law also authorizes the commission, in the case of water and sewer system corporations, to require the payment of fees, established by the commission and approved by the Department of Finance, based on a pro rata computation, for deposit in the Public Utilities Commission Utilities Reimbursement Account, and permits these fees to be allowed as ordinary operating expenses for ratesetting purposes Existing law, effective until January 1, 1985, also requires each radiotelephone utility in this state to annually remit to the commission its pro rata share of $60,000 for deposit in the Radiotelephone Utility Rate Fund which is continuously appropriated to the commission for purposes of administering provisions of law related to radiotelephone utilities

This bill would expand these provisions to direct the commission to require the payment of fees, established by the commission and approved by the Department of Finance, levied annually and payable quarterly, with specified exceptions, against carriers and related businesses, as specified, based upon gross intrastate revenue, except that with respect to carriers and related businesses having $100,000 or less gross intrastate revenues, commercial air operators, and for-hire vessel operators, the bill would permit

the commission to specify annual uniform fees which shall not be less than a minimum annual fee With respect to other public utilities, as specified, the bill would direct the commission to establish annual fees based generally on the utility's sales or gross intrastate revenues. The bill would require that these fees equal the amount of the commission's annual budget, prorated with respect to the extent of the commission's regulatory duties related to the class of carrier or related business or public utility for whom each particular fee is established. It would authorize every person or corporation to recover through rate increases the amount of those fees from its customers and subscribers

The bill would provide for the inclusion of radiotelephone utilities in these provisions on January 1, 1985.

The bill would authorize the commission to require the submission of information and reports necessary to enable the commission to ascertain the respective amounts.

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 or order the person or corporation to cease and desist from conducting all operations subject to the commission's jurisdiction, to levy a penalty of not more than 25% of the fees due in the event of default, and to sue to recover delinquencies.

The bill would require all fees collected by the commission pursuant to the Public Utilities Code, notwithstanding any other provision of law, to be deposited in the Public Utilities Commission Transportation Reimbursement Account, which the bill would create, or the Public Utilities Commission Utilities Reimbursement Account, which the bill would continue in existence, as appropriate. This bill would permit the commission, upon authorization of the Director of Finance, to borrow not to exceed $6,000,000 to implement these provisions from any fund or account deemed appropriate by the director, to be repaid with interest, as specified. The bill would thereby make an appropriation.

The bill would direct the Legislative Analyst to report to the Legislature on or before January 1, 1988, on the effectiveness of funding the commission in the manner proposed by the bill, together with recommendations for retaining, changing, or terminating these provisions

(42) Existing law provides for the reduction of certain amounts of state financial assistance to counties, cities, special districts, and school entities in certain circumstances

This bill would suspend the operation of these provisions for school entities for the 1983–84 fiscal year

This bill would also suspend the operation of these provisions for local agencies for the period of July 1, 1983, to September 30, 1983. The amount of state financial assistance not paid to local agencies during the remainder of the 1983–84 fiscal year pursuant to these provisions would be transferred to the Motor Vehicle License Fee Account in the Transportation Tax Fund.

(42 2) Existing law provides for the allocation of specified local assistance funds by the state to local agencies pursuant to prescribed formulas

This bill would reduce these allocations for the months of July, August, and September of 1983 pursuant to prescribed formulas

(42.3) Existing Sales and Use Tax Law defines "sale" and "purchase" as including any lease of tangible personal property for consideration, except, among other things, (1) a lease of motion pictures, including television, films, and tapes, and (2) tangible personal property leased in substantially the same form as acquired by the lessor or leased in substantially the same form as acquired by a transferor, as to which the lessor or transferor has paid sales tax reimbursement or has paid use tax measured by the purchase price of the property.

This bill would provide that the above exceptions shall not apply to rentals or leases of video cassettes, videotapes, and videodiscs

(42 5) Existing Sales and Use Tax Law subjects to the sales tax 33% of the gross receipts of any retailer of food products, with certain exceptions, sold through a vending machine

This bill would delete that partial exemption

(42.6) Existing Sales and Use Tax Law provides that a vending machine operator is a consumer and not a retailer of tangible personal property which sells at retail for $0 15 or less and which is actually sold through a vending machine

This bill would limit that provision to a vending machine operator which is a nonprofit, charitable, or education organization.

(44) Under existing law, motor vehicle fuel taxes are due on the first day of the second calendar month following the month in which the fuel was distributed.

The bill would require that motor vehicle fuel taxes be paid by the 15th day of the month following the month of distribution.

Existing law also provides that the balance of fuel tax revenues in the Motor Vehicle Fuel Account as of the 7th day of each calendar month be transferred to the Highway Users Tax Account in the Transportation Tax Fund by the 12th day of that month.

This bill would require instead that the balance existing on the 23rd day of each calendar month be transferred by the 28th day of that month.

(44.5) Existing law imposes a vehicle license fee on passenger vehicles for the privilege of operating on the public highways. With certain exceptions, the amount of the fee is based on market value determined upon the basis of the California suggested base price, as defined.

This bill would require market value for this purpose to be determined on the basis of the cost price to the purchaser, as specified

Existing law also provides for the annual depreciation of the market value of vehicles for the purpose of determining the amount of the vehicle license fee.

This bill would make changes in the method of calculating this annual depreciation.

(45) Existing law requires the allocation to cities and counties, pursuant to a prescribed formula, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund.

This bill would delete this allocation for a specified period during the 1983–84 fiscal year and would require the allocation of specified amounts in the account for certain purposes specified in the Budget Act of 1983.

(45.5) Existing law defines, for purposes of the Personal Income Tax Law, the California Consumer Price Index.

This bill would provide that for taxable years beginning on or after January 1, 1984, except as specified, references to the California Consumer Price Index shall mean the California Consumer Price Index for All Urban Consumers as modified for rental equivalence homeownership (new series)

(45.6) The existing Personal Income Tax Law authorizes a deduction for various other taxes paid by the taxpayer, including specified amounts for state and local taxes on the sale of gasoline, diesel fuel, and other motor fuels.

This bill would delete the deduction for state and local taxes on the sale of gasoline, diesel fuel, and other motor fuels

(45.7) Under the Personal Income Tax Law, a deduction is permitted for medical expenses, not compensated for by insurance or otherwise, to the extent that those expenses paid for medical care of the taxpayer, his or her spouse, and dependent exceed 3% of adjusted gross income In addition, that law allows a deduction for an amount (not to exceed $150) equal to ½ of the expenses of medical care insurance and a deduction for medicine and drugs to the extent that the amounts paid therefor exceed 1% of adjusted gross income The Tax Equity and Fiscal Responsibility Act of 1982 enacted by Congress made various changes in the federal income tax provisions, including, among other things, an increase in the floor for deductible medical expenses from 3% to 5%, and the elimination of the separate deduction for the expense of medical care insurance, for tax years beginning in 1983 In addition, the federal act limits the deduction for medicine and drugs to prescription drugs or insulin and eliminates the 1% floor for tax years beginning in 1984.

This bill would make all of the above changes in the Personal Income Tax Law to conform to the federal law

(46) The existing Personal Income Tax Law and Bank and Corporation Tax Law generally allow, until January 1, 1984, a credit equal to 55% of the cost incurred by the taxpayer for any solar energy system installed on premises owned by the taxpayer. With regard to recreational or therapeutic solar energy water heating systems, the amount of the credit is 25% of the cost.

This bill would extend the date of repeal to January 1, 1987, would reduce the credit from 55% to 50% of the cost for systems installed on or after August 1, 1983, and would eliminate the credit with respect to recreational or therapeutic solar energy water

heating systems installed on or after August 1, 1983 It would also require with regard to installations between August 1, 1983, and December 31, 1983, that no more than 50% of the computed credit be taken in the 1983 taxable or income year and the remaining credit be carried over to succeeding taxable or income years

(46.3) Under existing provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law, a credit against the taxes imposed by those laws is allowed in an amount equal generally to 40% of the costs incurred by the taxpayer for the installation on premises in California of energy conservation measures, as specified.

This bill would reduce the basic credit from 40% to 35% for energy conservation measures installed on or after August 1, 1983, and would extend the credit from taxable and income years ending on or before December 31, 1983, to taxable and income years ending on or before December 31, 1985, with respect to certain categories of energy conservation measures It would also require with regard to installations between August 1, 1983, and December 31, 1983, that no more than 50% of the computed credit be taken in the 1983 taxable or income year and the remaining credit be carried over to succeeding taxable or income years.

(46 5) Existing law provides that with respect to interest accruing after June 30, 1983, all interest, with limited exceptions, payable to or by the state for purposes of the Sales and Use Tax Law, the Personal Income Tax Law, and the Bank and Corporation Tax Law is required to be compounded daily

This bill would provide that all taxes, assessed penalties, or additions to tax, and interest be added together to determine the amount to be carried over on which daily interest will be charged

(46 6) Under the existing Bank and Corporation Tax Law, nonprofit corporations applying for tax exempt status must file an application for exemption with a filing fee of $10

This bill would increase the filing fee to $25

Under the existing Bank and Corporation Tax Law, every tax exempt corporation, with specified exceptions, is required to file an annual return setting forth specified information, together with a filing fee of $5.

This bill would increase that filing fee to $10

(46 7) Under existing law, the Employment Development Department is responsible for providing employment services statewide

This bill would require the department to annually issue 3 reports covering specified programs

(46 8) 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 It requires 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.

This bill would impose a state-mandated local program by requiring on and after January 1, 1984, the taxes to be withheld to be paid according to revised alternative time schedules which are applicable depending upon whether the employer is subject to certain provisions relating to withholding for federal income tax purposes

(46.9) The annual renewal fee for environmental license plates is $10

This bill would increase the renewal fee to $20

(46 10) Under existing law, all revenues from the State Water Resources Development System are required to be accounted for and used annually only for specified purposes

This bill would require the Department of Finance to identify in the annual Governor's Budget the proposed revenues and expenditures for these purposes and to include specified information in the data

(47) Existing law provides for the California Family Protection Act program, a pilot program in Shasta County and San Mateo County for actual and potentially dependent children Generally, the demonstration program modifies the conditions applicable to other counties under which placement proceedings for a minor who has been taken from parental custody must be brought and the conditions for a court finding of adoptability

Existing law requires the State Department of Social Services to annually prepare and distribute an evaluation report on the Family Protection Act program.

This bill would require that the department prepare and distribute this report by June 30, 1983

(48.2) Under existing law, the State Department of Mental Health receives funds for assistance to local agencies in providing mental health services.

This bill would reappropriate certain unencumbered funds the department received for the purpose of funding a mental health program in private industry to provide counseling to displaced workers This reappropriation would be operative only if SB 939 becomes law.

(52.3) Under the Short-Doyle county mental health program, funds are provided to counties for services pursuant to approved county plans, at reimbursement rates established by the Director of Mental Health Certain limitations on these reimbursement rates do not apply to specified consolidated mental health programs.

This bill would make these limitations applicable to these programs and would require that the most recently completed cost reports be used in determining provider costs.

(52 5) Existing law requires the Department of Social Services to publish and sell to the public all rules and regulations relating to the governing of the department and to the availability of forms of public assistance. Existing law further requires the department to provide a subscription service to provide purchasers with additions and amendments to the rules and regulations

This bill would require that the rules and regulations and the subscription service be made available at no cost to the public

(54) Existing law provides that under the Aid to Families with Dependent Children (AFDC) program, specified recipients who do not meet federal eligibility standards, but who meet state eligibility standards due to parental unemployment, shall be eligible for aid for a period not to exceed 3 months in any 12-month period

This bill would specify that this program shall be called the State-only AFDC-U program.

The bill would provide that eligibility shall be limited to 3 months within a 12-month period, except that a 2-month limit of eligibility shall be imposed for those receiving emergency assistance provided for pursuant to the federal Social Security Act.

(54 5) Existing law provides that, under the Aid to Families with Dependent Children —Foster Care (AFDC-FC) program, each county shall provide qualified children placed in foster care with the amount necessary to meet basic needs and that the state shall establish a rate to be paid to various types of foster care facilities, with the rate to be dependent upon specified factors.

This bill would impose a state-mandated local program by providing that the rate for a child receiving aid under the AFDC-FC program, who would otherwise be placed in the California Youth Authority, except for the child's placement in a group home which is licensed and located outside of this state, shall be the group home rate established by the rate-setting authority of the state in which the facility is located.

(55) Existing law provides that the maximum aid payment levels and the minimum basic standard of adequate care levels for the Aid to Families with Dependent Children (AFDC) program shall be annually adjusted to reflect changes in the cost of living pursuant to the California Necessities Index.

This bill would instead provide that for the 1983–84 fiscal year, the maximum aid payment levels and the minimum basic standard of adequate care levels under the AFDC program shall be increased by 4%

(55.5) Existing law contains provisions setting forth state reimbursement to counties for a specified share of the county aid payment obligation under the Aid to Families with Dependent Children (AFDC) program Under existing law, one of these provisions, which is operative only until December 31, 1983, specifies, among other things, that the state shall pay 95% of the sum necessary for the adequate care of each child under the county-administered Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

This bill would extend the operative date of these provisions until December 31, 1985.

(56) Existing law provides for the State Supplementary Payment program, under which qualified aged, blind, and disabled persons receive cash assistance comprised of

state supplementary payments and federal Supplemental Security Income payments.

Existing law provides that maximum aid grant levels under this program shall be annually adjusted to reflect changes in the cost of living pursuant to the California Necessities Index as specified.

This bill would instead provide that for the 1983–84 fiscal year, maximum aid grant levels would be increased as specified, commencing July 1, 1983, with an additional increase to be provided commencing on January 1, 1984.

The bill further provides that for subsequent years, cost-of-living adjustments shall be granted each January 1 of each year, instead of on July 1 of each year.

(58) Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which specified services and annual cost-of-living adjustments to grants are provided to qualified aged, blind, and disabled recipients in order to permit them to remain in their own homes.

This bill would specify additional eligible services and would set forth specified increases in grant amounts

(58.3) Existing law provides that where a parent has a legal duty to support a child, the parent may receive remuneration for services under the IHSS program if the parent has had to leave full-time employment or forego such employment because no other suitable provider of services is available and the inability of the provider to provide services may result in inappropriate placement or inadequate care

This bill would extend this provision to spouses providing services under the IHSS program if the same conditions are met for parents providing services to children

This bill would also require notice to be sent to each IHSS recipient with regard to any action concerning the amount of in-home supportive services to be provided.

(58.5) Existing law provides that time-for-task guidelines for the county-administered IHSS program are to be used only if appropriate in meeting an individual's particular circumstances.

This bill would prohibit a county from using time-for-task guidelines in assessing the needs of eligible individuals for specified services

(59) A provision of law requires counties to provide Medi-Cal beneficiaries with transportation to and from health care facilities when there is an urgent need for health care and transportation The provision requiring this service has an expiration date of January 1, 1983.

This bill would repeal and reenact the code section containing this provision, deleting the reference to the expiration date for the provision

This bill would impose a state-mandated local program by requiring counties to maintain Medi-Cal transportation services beyond the current expiration date for these services

(60.5) Existing law provides that specified persons must pay a share of medical costs as a condition of Medi-Cal eligibility For the purpose of this determination, existing law requires the State Department of Health Services to establish income levels for maintenance need, as specified, at the lowest levels at which federal financial participation in Medi-Cal will still be provided

This bill would provide that any amount in excess of the maintenance need level paid by a medically needy person to a licensed community care facility for residential care and support would not be deemed available income for eligibility purposes

This bill would specify that these levels, particularly for aged, blind, and disabled adults, shall adequately reflect recipients' basic needs for food, clothing, and shelter

This bill would generally base the maintenance levels on the need standard for the Aid to Families with Dependent Children (AFDC) program It would further provide that these levels shall not be decreased due to the presence in the household of persons receiving other forms of aid.

This bill would require the state department to take steps to obtain a final determination reversing any decision by the Secretary of the United States Department of Health and Human Services that any provision of this bill is in conflict with any federal statute or regulation This bill would require the state department to adopt emergency regulations to implement its provisions, which regulations would be exempt from the review and approval of the Office of Administrative Law

These provisions of this bill would be severable, and would be applicable only to the extent that they do not conflict with federal law

(60.6) Existing law provides that real property in excess of $6,000 that is not used for a person's principal residence shall be considered in determining Medi-Cal eligibility, but that when such residence becomes subject to these limitations, a recipient's eligibility shall not be affected as long as the property is listed with a real estate broker and good faith efforts are otherwise made to sell the property

This bill would exempt, from the assets considered in determining Medi-Cal eligibility, the principal residence of an individual

The bill would set forth specified circumstances under which a dwelling would be considered a principal residence where the applicant or recipient is not currently residing in the dwelling or in units of a multiple-dwelling The residence would be subject to a state lien to the extent permitted by federal law

(60 8) Existing law provides for the establishment of reimbursement rates for Short-Doyle mental health and drug services allowable under the Medi-Cal program

This bill would provide that the methodology and rates reflect the most recently completed cost reports

(60 9) Existing law provides for the Medi-Cal program, under which low-income and indigent persons are provided with health care services primarily by providers who submit bills to a state fiscal intermediary or to a liable third party for reimbursement.

This bill would require that the provider first submit a bill for reimbursement to any liable third party prior to submitting the bill to the state fiscal intermediary. If the bill is not paid within 90 days, the provider may submit it to the state fiscal intermediary.

(61 5) Existing law provides for a special negotiator to negotiate contracts with hospitals for rates and other factors incident to the provision of services under Medi-Cal The law exempts childrens' hospitals and charitable research hospitals from this contract requirement for the 1982–83 fiscal year.

This bill would extend the exemption to the 1983–84 fiscal year The bill would also require the California Medical Assistance Commission to report to the Legislature by February 1, 1984, regarding the feasibility of concluding hospital negotiations with these hospitals

(62.5) Under existing law, there is in state government the California Medical Assistance Commission, which contracts with health care delivery systems for provision of health care services to Medi Cal recipients

This bill would place this commission in the Governor's Office

(66 1) Existing law provides 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 county health services to the extent state funds are provided

This bill would extend the period to June 30, 1985

(66 5) Existing law provides that funds from the County Health Services Fund for medically indigent adults are to be allocated to local jurisdictions in accordance with specified procedures which are set forth Payment of county health services funds may be withheld by the State Department of Health Services until estimated and actual expenditure, revenue, and cost reports, as specified, are received from the local jurisdictions

This bill would provide that reports be submitted according to guidelines and regulations established by the department and that the department shall review, disallow, and recoup items set forth in the reports that are inaccurate or otherwise disallowable.

This bill would also require the director to withhold county health services funds until the reports have been submitted to the department as required by the department's guidelines and regulations

(67) Under existing law, moneys that are allocated to counties for the funding of public health services, but not expended, may be allocated by the State Director of Health Services to local jurisdictions for special needs and priority projects

This bill would provide that these moneys may be appropriated to the Department of Health Services in the annual Budget Act The department would be required to allocate these funds pursuant to priority categories, as specified, established in the annual Budget Act The Director of Health Services would be authorized to waive or reduce the matching requirement when funds are needed for a public health emergency, as described

Under existing law, the amount of funds to be so utilized is limited to $2,000,000 during

the 1983–84 fiscal year and any funds in excess of that amount revert to the General Fund.

This bill would provide that during the 1983–84 fiscal year funds will not be available for projects until $2,365,000 has been reverted to the General Fund.

(67 5) Existing law provides that small counties, as defined, may contract with the State Department of Health Services in order to provide health services pursuant to eligibility criteria established by the department in conjunction with participating counties.

Existing law further provides that at the end of each fiscal year, any savings in the account established for funds used to provide services under contracts with small counties, which accrue from these contracts, once all service liabilities are liquidated, shall revert to the General Fund. These savings may be used by the Governor to establish a reserve for purposes of providing health services under contracts with small counties.

This bill would, instead, provide that any savings which accrue at the end of the 1982–83 fiscal year shall be transferred to an operating reserve for purposes of providing health services under small county contracts.

The bill would permit the Governor to create a reserve for any funds accruing at the end of the 1983–84 fiscal year or any fiscal year thereafter.

(67.8) Existing law permits small counties, as defined, to contract with the state for provision of health care services in furtherance of the counties' obligation to render services to specified indigent adults.

This bill would provide, effective until July 1, 1984, that if the State Department of Health Services negotiates a reimbursement rate to be paid providers of services by the state for services provided pursuant to these contracts of less than 100% of the Medi-Cal reimbursement rate, the department must submit documentation to the Joint Legislative Budget Committee and the Joint Committee on Medi-Cal Oversight which describes the fiscal necessity and the program impact at this reimbursement rate

(68) Existing law provides for the Local Health Capital Expenditure Account, a state fund established to provide financial and technical assistance relative to the capital funding of local health facilities and related equipment. Interest and other increment resulting from investment of funds in the account are required to be deposited in the account.

This bill would require that, except as specified, interest and other increment resulting from investment of funds, local repayments, and unspent allocated capital outlay funds be deposited in the General Fund.

(68.5) Existing law establishes the State Children's Trust Fund in the State Treasury. Money in the fund is appropriated to the State Department of Social Services to fund child abuse and neglect prevention and intervention programs as provided by the Legislature in the annual Budget Act.

This bill would require the State Children's Trust Fund to be administered by the Office of Child Abuse Prevention and would require that the programs so funded be focused on the needs of infants under the age of 2 years.

(69) Existing law states the intent of the Legislature that habilitation services shall be provided to adults with developmental disabilities

This bill would continue the statement of legislative intent that habilitation services shall be provided to adults with developmental disabilities, but would require that these services be provided subject to available funding, would specify procedures for making any necessary reductions, and would require the Department of Rehabilitation to adopt emergency regulations, as specified.

(70) Under existing law, the State Department of Rehabilitation is required to purchase, at a reasonable cost, habilitation services which the department deems necessary for eligible adults with developmental disabilities from accredited community nonprofit work activity programs The department is required under current law to promulgate regulations which provide for an equitable ratesetting procedure in which each specific allowable service, activity, and provider administrative cost comprising an overall habilitation service reflects the reasonable cost of the service Current law requires the department to annually determine and audit reasonable costs.

The bill would delete the requirement for an annual audit and permit the department to audit at its discretion

(72) Existing law requires the Controller, on July 1, 1983, to transfer $6,000,000 from

the General Fund to the Ridesharing and Alternative Transportation Fund, a continuously appropriated fund, in anticipation of the specified anticipated revenues, and on July 1, 1984, and annually until July 1, 1987, the Controller is required to transfer the estimated net anticipated gain of the specified revenues

This bill would delete the required July 1, 1983, transfer of funds from the General Fund to the Ridesharing and Alternative Transportation Fund.

(73.5) Existing law requires the Superintendent of Public Instruction to reduce the February 1983 apportionment by the amount which is not paid for school districts and county offices of education due to a prescribed credit against the employer contributions to the Public Employees' Retirement System for the period January 1, 1983, to June 30, 1983

This bill would revise the method of calculating that reduction.

(73.7) Chapter 1274 of the Statutes of 1982 prescribes a procedure for the cancellation and refund of certain taxes with respect to custom computer programs. It provides that, to the extent money is appropriated in the Budget Act of 1983 for purposes of making those refunds, the refunds are to be paid by September 15, 1983

This bill would instead provide that, to the extent money is appropriated in the Budget Act of 1984, those refunds are to be paid by September 15, 1984

(74) Existing law provides for specified reimbursement rate reductions, utilization controls and other limitations under the Medi-Cal program which are applicable only to the 1982–83 fiscal year.

This bill would provide that these rate reductions and service limitations shall also apply during the 1983–84 fiscal year, except that reimbursement rate reductions shall be subject to increases in the Budget Act of 1983 and that prior to July 1, 1985, utilization controls adopted by the State Department of Health Services shall not include prior authorization for portable X-ray services provided in skilled nursing or intermediate care facilities, as defined

(75.5) Item 6100-171-044 of the Budget Act of 1983 would appropriate a specified amount from the Motor Vehicle Account of the State Transportation Fund to the Department of Education for driver training and would provide for the transfer of this amount to Section A of the State School Fund.

This bill would prohibit the transfer of this money to Section A of the State School Fund and require that the money otherwise appropriated by this item remain in the Motor Vehicle Account of the State Transportation Fund. This would also appropriate $17,000,000 from the Driver Training Penalty Assessment Fund to the Department of Education for the purposes and subject to the conditions provided by that item.

(76) Under existing law, the State Lands Commission is required, with certain exceptions, to deposit tidelands revenues, moneys, and remittances in the State Treasury, and to allocate the moneys to specified obligations in a specified order.

This bill would, for the 1983–84 fiscal year only, revise, as specified, those allocations.

(76.5) Existing law creates the Housing Rehabilitation Loan Fund, money in which is continuously appropriated to the Department of Housing and Community Development for the purpose of making deferred-payment rehabilitation loans, as specified, and related administrative expenses

This bill would transfer $290,000 from the Housing Rehabilitation Loan Fund as a loan to the General Fund, to be repaid on or before June 30, 1984, with interest.

(76.6) This bill would require the Los Angeles Community College District to proceed with the development of working drawings and with the site development phases of construction for the Los Angeles Mission College campus, as specified.

(76.7) This bill would provide that up to $150,000 of the funds appropriated for special education local assistance for the 1983–84 and 1984–85 fiscal years shall be available each year for the lease or rental of temporary classroom facilities for special education programs to school districts and county offices of education that meet specified criteria

(76.8) Under existing law, the state was prohibited in the 1982–83 fiscal year from funding instructional personnel services units in special education local plan areas for certain programs in excess of the number of such units operated and funded at the second principal apportionment for the 1981–82 fiscal year, with specified exceptions.

This bill would apply the above restrictions to the 1983–84 fiscal year, except the number of units would be restricted to the number of units operated and funded at the second principal apportionment for the 1982–83 fiscal year. Further, the restrictions

would not apply to units for which funding is appropriated in the annual Budget Act.

(76.9) This bill would require the Superintendent of Public Instruction to recalculate the 1980–81 revenue limit for any school district which had a positive correction in that year for the prior fiscal year and because of the minimum guarantee calculation did not receive the full amount of that correction. The recalculation would be done as part of the 1983–84 principal apportionments.

(76.10) This bill would repeal a provision of Chapter 10 of the 1983–84 First Extraordinary Session relating to the Public Employees' Retirement System.

(76.11) The Budget Act of 1981 appropriated funds for the purpose of preparing a feasibility study report on a problem-oriented medical information system (PROMIS).

This bill would reappropriate the unencumbered balance of those funds to the Department of Health Services for the same purpose.

(76 12) This bill would establish the California Committee on Emergency Food Distribution which would submit a plan for coordinating emergency food distribution, utilizing funds available under the federal Emergency Job Act, to the Joint Legislative Budget Committee by August 15, 1983. The committee would include representatives, as specified, and be responsible for certain progress reports on the program's implementation

(76 13) Existing law authorizes the filing of a claim for reparation of salary losses suffered by state civil service employees during the years 1942 to 1947 as a result of the enactment of SCR 15 (Res. Ch. 49, Stats. 1941–42, 1st Ex. Sess.). It provides for the filing of the claim with the Department of Personnel Administration, which determines the eligibility of the claimant, and authorizes the payment in reparation of $1,250 each year for up to 4 years to each eligible claimant.

This bill would include within these provisions employees of the California State University and the University of California.

(76.14) This bill would provide that the unencumbered balance in the Genetic Disease Testing Fund is available to repay any existing loans made to the fund from the General Fund.

(76.15) This bill would maintain funding for the 1983–84 fiscal year for the Graduate Field Research Training Program in Ethnic/Minority Communities at the University of California at Berkeley at the 1982–83 fiscal year level.

(76.16) This bill would require that the Calaveras Fire Center, during the 1983–84 fiscal year, be operated only as a joint fire center by the California Department of Forestry and the California Conservation Corps.

(76.17) The Budget Act of 1983 provides for salary and compensation increases for state employees.

This bill would provide that state officers whose salaries are specified by statute shall receive salary increases in such amounts as authorized by the Budget Act of 1983.

(76.18) This bill would appropriate $5,400,000, as specified, from the Federal Reserve Sharing Fund to the General Fund, for transfer by the Controller at such times and in such amounts as are needed for Item 5180-111-001 of the Budget Act of 1983 and Program 10 08 in augmentation of the state's share of the State Supplementary Payment Program for aged, blind, and disabled persons.

(76.19) Chapter 10 of the 1983–84 First Extraordinary Session appropriated $173,000,000 to the Secretary of the Business, Transportation and Housing Agency from the Transportation Planning and Development Account in the State Transportation Fund for allocation in specified amounts in the 1982–83 and 1983–84 fiscal years to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board.

This bill would reduce the total amount appropriated for allocation by Chapter 10 to $158,000,000 by reducing the amount specified for allocation in the 1983–84 fiscal year from $103,000,000 to $88,000,000. The bill would require the Controller, during the 1983–84 fiscal year, to transfer the reduction of $15,000,000 from the Transportation Planning and Development Account to the General Fund

(76.20) Existing law authorizes the Director of General Services to execute grants to real property belonging to the state whenever such property is sold or exchanged

This bill would authorize the Director of General Services to sell specified property pursuant to those terms and conditions which the director feels are in the best interest of the state, as specified This bill would require public notice in the disposition of

property and specify the money received shall be paid into the General Fund.

(76.21) This bill would express the intent of the Legislature that the Department of Developmental Disabilities continue to seek approval of a Medicaid waiver, as specified.

(76.22) This bill would reduce the appropriation for the 1983–84 fiscal year for the Program Evaluation Unit in the Department of Finance if appropriations made by the Budget Act of 1983 for the support of the Agricultural Labor Relations Board are reduced, as specified

(76 23) This bill would require the California Coastal Commission to evaluate its program requirements and its ability to meet the mandates under the California Coastal Act of 1976, with the authorized funding and positions that remain, if Item 3720-001-001 of the Budget Act of 1983 is reduced by the Governor. The bill would authorize, with prescribed exceptions, the commission to extend any time limit established pursuant to the act, as prescribed.

(76 24) This bill would prohibit the erection or location of temporary housing for state prison inmates at any existing facilities of the Department of Corrections or the Department of Youth Authority in San Bernardino County.

(76 25) This bill would allocate federal Jobs Bill money which would be appropriated in Item 4260-111-890 and Item 5180-151-866 of the Budget Act of 1983, as specified.

(76 26) This bill would define "agricultural vocational education equipment" for purposes of vocational agriculture programs proposed in SB 813. This bill would also authorize the Superintendent of Public Instruction to waive any requirement of this bill or any other bill chaptered during the 1983–84 fiscal year that requires a school district to contribute local matching funds in order to be eligible for state funds for nonsalary costs of vocational agriculture programs, as specified

This provision would become operative only if SB 813 becomes law.

(76.27) Existing law requires every legislatively proposed constitutional amendment to appear on the ballot of the first statewide election occurring at least 131 days after its adoption

This bill would provide that, notwithstanding the above, ACA 74 shall appear on the June 5, 1984, Direct Primary Election

(76.28) This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state and specified employee organizations.

(76 29) This bill would incorporate additional changes in Section 16709 of the Welfare and Institutions Code, proposed by AB 490, to be operative only if AB 490 and this bill are both chaptered, and this bill is chaptered after AB 490.

(76.30) This bill would authorize the State Board of Control to pay the claim of Beatrice Carrico Wood against the State of California.

(76 31) This bill would express legislative intent regarding an appropriation to the 48th District Agricultural Association

(76.32) This bill would provide that, unless otherwise provided, the provisions of this bill shall be deemed to have become effective on July 1, 1983

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

(78) This bill would also provide that no appropriation is made and no reimbursement is required by certain provisions of this act for a specified reason

(79) 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 to which Section 2231 5 is applicable would remain in effect unless and until they are amended or repealed by a later enacted act.

(80) This bill would provide for severability of any invalid provisions

(81) This bill would take effect immediately as an urgency statute, but would not become operative unless and until the Budget Act of 1983 becomes effective

Ch 324 (SB 123) Alquist Budget.

Makes appropriations for support of state government for the 1983–84 fiscal year.

The bill would not become operative unless and until AB 223 is enacted.

To take effect immediately, urgency statute.

Ch. 325 (AB 656) O'Connell. Railroad corporations: state lands.

Existing law grants every railroad corporation the right to take materials, such as wood, stone, and earth, from state lands adjacent to the works of the corporation which may be necessary and convenient for the original construction of its works and adjuncts.

This bill would require that, before a railroad corporation may take those materials for any construction, and not just original construction, it must enter into an agreement with the Department of General Services to reimburse the state for the value of the removed materials. The bill would require the agreement to contain a provision requiring the railroad corporation to return the land and timber to its natural state, to the extent it is reasonable to do so, if the department determines that to be appropriate. However, the bill would permit a railroad corporation to take these materials without previously entering into such an agreement if the materials are taken for the purpose of reopening a rail line which was closed due to an unforseeable or unexpected event, in which case the railroad corporation would be required to enter into a reimbursement agreement with the department within 30 days after the rail line is reopened.

Ch 326 (AB 615) Kelley Weights and measures.

(1) Under existing law, the Director of Food and Agriculture is required to adopt rules and regulations for the approval of types and designs of weights, measures, or instruments or devices for weighing, measuring, or counting, which are used for commercial purposes. The director is required to issue certificates of approval of those types or designs found to meet specified requirements

This bill, notwithstanding the rules and regulations and certificate of approval of those types and designs by the director, would authorize the director to prohibit the sale or installation of an approved type or design of weight, measure, or instrument upon specified findings by the director The bill would also authorize the director to initiate proceedings under the Administrative Procedure Act to determine if the approval should be revoked or modified and to determine the period of time that an accurate device of that type may be used after revocation or modification of the type approval for commercial purposes pending replacement or modification.

(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.

Under existing law, use of any weighing or measuring instrument contrary to law is a misdemeanor This bill would impose a state-mandated local program by adding a new class of weighing devices, the use of which would be contrary to law, thereby creating a new crime

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

Ch 327 (AB 592) Sher Probation theft

Existing law authorizes the granting of probation in cases of theft except as specified with respect to robbery and burglary, authorizes a requirement of restitution as a condition of probation, and authorizes increased punishment in cases of felony theft involving $25,000 or more

This bill would prohibit the granting of probation except where the interests of justice would best be served in cases of theft of more than $100,000

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. 328 (AB 458) O'Connell Vehicles. parking: fire lanes

(1) Existing law prohibits stopping, parking, or leaving standing of a vehicle in designated areas. A violation of the prohibition is an infraction.

This bill would impose a state-mandated local program by also prohibiting the stopping, parking, or leaving standing of a vehicle, in a place designated as a fire lane by the fire department or fire district with jurisdiction over the area in which the place is located The designation would be required to be marked in a specified manner

(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 329 (AB 513) Johnson. Schools. contracts. personal consulting services.

Existing law requires the superintendent of schools of each county and the superintendent of any school district, in considering contracts for personal consulting services, generally to consider the abilities of certain employees and to identify those qualified to provide the services Existing law exempts certain types of services from this requirement

This bill would delete these provisions of existing law.

Ch. 330 (AB 1491) Bergeson Irvine Ranch Water District.

Under existing law, special provisions applicable only to the Irvine Ranch Water District require the general district election to be held on the first Tuesday after the first Monday in June of every even-numbered year

This bill would instead require the election to be held on the first Tuesday after the first Monday in November of every even numbered year, and would make related changes

Ch 331 (AB 1099) Jones Income taxation refunds. interest

Existing Personal Income Tax Law provides that no interest shall be allowed with respect to refunds or credits arising from any overpayment of tax, as defined, if refunded or credited within 30 days after the return is filed or within 30 days after the last day prescribed for filing the return, whichever is later

This bill would extend the respective interest-free periods from 30 days to 45 days generally and from 30 days to 90 days, as specified, with regard to those refunds made on returns filed solely for the purpose of claiming the renter's credit.

Ch 332 (AB 1870) Farr Invention developers.

Under existing law, an invention developer is required to cause certain disclosures to be made to each customer, as specified, including a written statement that the invention developer is not qualified to advise the customer whether protection of the idea or invention is available under the patent, copyright, or trademark laws, and that the contract for invention development services does not provide any patent, copyright, or trademark protection.

This bill, in addition, would require the invention developer to include in the statement a caveat that the customer's potential patent rights may be adversely affected by any attempt to commercialize the idea or invention prior to filing a patent application; and that nonconfidential disclosures may trigger statutory deadlines for filing a patent application. The same statement would be required to be included in any contract for invention development services, and in the cover sheet for such contract

This bill also would require an invention developer to maintain as confidential all disclosures made to it by a customer, except as to certain, limited information A willful violation of such requirement would be a misdemeanor, thereby imposing a state-mandated local 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. 333 (AB 1646) Sebastiani. Forest fires: crimes: arrest, release, and promise to appear procedures.

Existing law generally provides the procedures to be followed in the release of a person arrested for a misdemeanor offense upon the person's promise to appear in court. Unless waived by the person, the time specified in the notice to appear must be at least 10 days after arrest if the duplicate is to be filed with the magistrate. If the duplicate notice to appear is filed with the prosecuting attorney, the prosecuting attorney may initiate prosecution by filing the notice with the magistrate within 25 days from the time of arrest. Existing law additionally provides procedures for the release of a person arrested for violation of an offense relating to the prevention and control of forest fires which is not a felony upon the person's promise to appear. The time specified in the notice to appear before the magistrate, with respect to the prevention and control of forest fires, is required to be not more than 30 days after the date of the arrest.

This bill would repeal the provisions providing the procedures to be followed only for a person arrested for violation of an offense relating to the prevention and control of forest fires which is not a felony and would provide that the general procedures are applicable.

Ch. 334 (AB 1584) Alatorre. State Personnel Board resolution: salary steps.

Existing law requires the Department of Personnel Administration to establish and adjust salary ranges for each class of position in the state civil service.

This bill would require the State Personnel Board, by resolution, to define the term "salary step" for the purpose of administering civil service laws and rules that govern the movement of civil service employees between classifications. It would provide that the salary steps shall be subject to specific standards, and would require the resolution adopted by the board to be made publicly available before and after adoption at a public meeting.

Ch. 335 (AB 1341) N Waters Airports: assistance to political subdivisions.

Existing law authorizes the Department of Transportation to render financial assistance to political subdivisions owning or operating airports and air navigation facilities for the development and maintenance of a statewide system of airports. Existing law also provides for annual grants to political subdivisions for airport purposes from the Aeronautics Account in the State Transportation Fund.

This bill would direct the department to create one or more accounts in the Special Deposit Fund for the management of funds for grants and loans to political subdivisions under these provisions.

Ch 336 (SB 712) Vuich Uniform District Election Law.

Under existing statutes, certain districts are allowed to conduct their voting by proxies unless the districts, by resolution, provide for an all-mail ballot election.

This bill would authorize the governing board of districts which are allowed to use proxy voting to adopt a special absent voting procedure. Since the county clerk would be responsible for the conduct of those elections, it would impose a state-mandated local program by requiring new application forms and procedures to be developed when a district governing board adopts the provisions of 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.

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

This bill would take effect immediately as an urgency statute.

Ch 337 (AB 1135) Klehs. Taxation.

Existing law authorizes the State Board of Equalization to seize and sell the license of any off-sale or on-sale general alcoholic beverage licensee who, upon termination of business, is delinquent in the payment of any taxes due under the Sales and Use Tax Law. That authorization also provides that specific statutory provisions prohibiting levy or sale on execution of any license issued by the state to engage in any business, profession, or activity shall not be construed to limit that authorization

This bill would correct an obsolete reference to the specific statutory provisions prohibiting levy or sale on execution.

Existing law governing the imposition of state and local sales, transactions, and use taxes provides for the tax treatment of fungible goods for which a resale certificate is given by the purchaser and which are commingled with other fungible goods not so purchased, but makes no specific mention of the treatment of those fungible goods which are commingled which are purchased for resale from out-of-state sources without a resale certificate. Existing law also expressly provides for the tax treatment of those fungible goods which are sold from the commingled mass

This bill would expressly provide that the treatment accorded those fungible goods purchased without a resale certificate shall be the same as if so purchased This bill would additionally prescribe the tax treatment of all fungible goods which are removed from the commingled mass for consumption

Existing provisions of the Transactions and Use Tax Law require a district imposing a transactions and use tax to contract with the board for the performance of all functions incident to the administration and operation of the district ordinance imposing the tax That law also requires each district to pay to the board its costs of preparation to administer and operate the district ordinance and places a ceiling on the preparatory costs to be paid by a district to the board of $125,000

This bill would increase the ceiling for preparatory costs to $175,000, and would require each contract between a district and the board governing the board's administration and operation of a district's ordinance to contain a provision requiring the district to reimburse the board for, and hold the board harmless from, any costs, losses, or refunds of any kind resulting from a judgment holding the ordinance unconstitutional or invalid

This bill would also make the following technical or clarifying changes (1) add an additional reference to provisions establishing exceptions to the time periods for filing notices of deficiency in connection with sales and use taxes, (2) delete obsolete wording in provisions governing the computation of penalties imposed for failure to make required prepayments of state and local sales and use taxes, and (3) delete an obsolete reference to the previously required reporting by retailers or fleet users of motor vehicle fuel to the board of gasoline sales made by county

Existing law makes liable for civil and criminal penalties any person who fails to file any return required under the Personal Income Tax Law

This bill would allow the Franchise Tax Board to petition the court for a writ of mandate to require a taxpayer to file a return if, 60 days after the Franchise Tax Board issued a notice and demand for a return, the taxpayer has failed to file a return This bill would also provide that any judgment would include costs in favor of the prevailing party

Ch. 338 (AB 1092) Agnos Board of Administration of PERS elections-ballot processing.

The Public Employees' Retirement Law presently requires ballots for elections of elected members of the Board of Administration to be returned to, and canvassed by, the Secretary of State

This bill would, instead: require return of the ballots to the Board of Administration, repeal the canvassing requirement, require the board to develop election procedures which would be subject to review, approval, and certification by the Secretary of State, and require the results to be certified by the Secretary of State

Ch 339 (AB 1005) Costa. Water companies submeter service systems exemption mobilehome parks and multiple unit complexes

Under existing law, any person, firm, or corporation that owns, controls, operates, or manages any water system or sells, leases, rents, or delivers water to any person, firm, corporation, or government entity is a public utility and subject to the jurisdiction,

control, and regulation of the Public Utilities Commission.

This bill would exempt from the commission's jurisdiction, control, and regulation any person, firm, or corporation that maintains a mobilehome park or a multiple unit residential complex and provides water services to users through a submeter service system if each user is charged at the rate which would be applicable if the user were receiving the water directly from the serving public utility water company.

Ch. 340 (SB 414) Davis. Secondhand dealers.

Existing law requires the chief of police, the sheriff, or when appropriate, the police commission, to accept an application for and grant a license permitting the licensee to engage in the business of secondhand dealer to an applicant who has not been convicted of an attempt to receive stolen property or any other offense involving stolen property. Existing law provides that a secondhand dealer's license is subject to forfeiture and the licensee's activities as a secondhand dealer are subject to being enjoined for breach of any of specified conditions, including the condition that the licensee shall not be convicted of an attempt to receive stolen property or any other offense involving stolen property.

This bill would specify that for the purposes of these provisions convicted means a plea or verdict of guilty or a conviction following a plea of nolo contendere. The bill, with respect to a forfeiture of the secondhand dealer's license and enjoining of the dealer's activities, would permit local law enforcement authorities to take the actions permitted following the establishment of a conviction when the time for appeal has elapsed or when an order granting probation is made suspending the imposition of sentence.

Ch. 341 (SB 43) Nielsen. Community recreation.

(1) Existing law authorizes the governing board of any school district to use school buses to transport persons for purposes of community recreation, as defined, establishes community recreation programs, defines various terms, and provides procedures for the operation of these programs.

This bill would define community recreation to include any camping or outdoor recreation activity which is (1) sponsored by a nonprofit organization, (2) for the benefit of disadvantaged or handicapped school-age children, and (3) in a county with a population less than or equal to 45,000 according to the most recent federal census. This bill would also define "nonprofit organizations" as those nonprofit organizations which, as determined by the governing board of the local school district, are unable to pay for the private transportation of these children to recreation activities.

This bill would, notwithstanding specified statutory provisions, also allow school districts which, prior to the effective date of this bill, have been permitting the use of schoolbuses by nonprofit organizations for purposes consistent with community recreation to continue to permit this use, as specified.

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

Ch. 342 (AB 26) McAlister Division of marital property.

Existing law provides that the court in a dissolution of marriage or legal separation proceeding has jurisdiction to divide property held by the parties as community property and quasi-community property, but does not provide that the court has jurisdiction to divide property of the parties held in joint tenancy or tenancy in common, except in the case of a single-family dwelling acquired by the spouses during marriage in joint tenancy form, which is presumed to be community property for the purpose of division at dissolution or legal separation.

This bill would provide that for the purpose of division of property upon dissolution of marriage or legal separation, any property acquired by the parties during marriage in joint tenancy is presumed to be community property. This presumption may be rebutted by proof of a contrary statement in the deed or other evidence of title, or by an agreement to the contrary by the parties. The bill would further specifically provide that in the division of community property under the Family Law Act, a party may acquire a right to reimbursement for his or her contributions made from separate property sources to the acquisition thereof, as specified, unless a valid waiver of that right has been effected.

The provisions of this bill would apply to proceedings for division of community

property and quasi-community property commenced on or after January 1, 1984 and to proceedings commenced before January 1, 1984, to the extent the proceedings as to the division of the property are not yet final on January 1, 1984.

Ch. 343 (AB 255) Leonard. Community services districts.

(1) Existing law authorizes a community services district to prescribe, revise, and collect rates or other charges for services and facilities furnished by it, and to provide for collection of rates or charges for any purposes on the county tax roll in a specified manner, but restricts the collection of delinquencies on the tax roll only to those delinquent rates or charges for street lighting purposes.

This bill would delete that restriction and would, instead, authorize a community services district to elect to have any delinquencies in rates or charges for any purpose collected on the county tax roll.

(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 impose a state-mandated local program by requiring the county to collect specified delinquencies and charges on the county tax roll

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 344 (AB 430) O'Connell. Bank and corporation tax law. contributions.

Existing law allows a corporation a deduction for charitable contributions of new tangible personal property which is of a scientific 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 this deduction additionally where the property is used by the college or university for instructional purposes. It would limit the deduction to contributions made on or after July 1, 1983, and no later than June 30, 1985.

The bill would take effect immediately as a tax levy but it would be applied to income years beginning on or after July 1, 1983.

Ch 345 (AB 446) Clute. Parking offenses trial by written declaration.

(1) Under existing law a court may, by rule, authorize a defendant to elect to have a trial by written declaration in a case of an infraction violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code.

This bill would impose a state-mandated local program by requiring a court, or the issuing agency where appropriate, to provide that a defendant who has received a notice of a parking violation, as specified, and who resides more than 100 miles from the court or the jurisdiction where the parking citation was issued may elect to have a trial by written declaration

(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 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. 346 (AB 637) M Waters. Tenants

Existing law provides that in specified cases where real property has been sold, a person who holds over and continues in possession after a 3-day written notice to quit has been served, or if there is a subtenant in actual occupation the subtenant, may be removed therefrom

This bill would provide that notwithstanding that provision, a written notice to quit the premises commensurate with the period of the term of hiring and in no event exceeding 30 days shall be given to any tenant or subtenant in possession of a rental housing unit which has been sold before the tenant or subtenant may be removed. The bill would provide that nothing in the bill shall be construed to affect the rights of a tenant or a subtenant in possession of a rental housing unit pursuant to a fixed-term lease when the unit has been sold and the title under the sale has been perfected.

Ch 347 (SB 42) Vuich. Preliminary hearing.

Existing law allows the attendance of a person who is not a witness at a preliminary hearing for the moral support of a prosecuting witness. Existing law further allows the attendance of a person, otherwise not a witness, at the preliminary hearing and the trial, except as specified, for the moral support of a prosecuting witness in specified sex offense cases.

This bill would, in these sex offense cases, delete the qualification that the person is otherwise not a witness, and would add additional types of cases to these provisions, but would limit the supporting person's attendance to sex offense cases involving a prosecuting witness who is 16 years of age or younger.

Under existing law, if the person chosen to support the prosecuting witness in specified sex offense cases influences or affects or attempts to influence or affect the testimony of the prosecuting witness the court shall exclude the person and allow the prosecuting witness to choose another person for support.

This bill would delete this provision from the provisions dealing with the presence of a supporting person in sex offense cases and would, instead, provide procedures relative to testimony where the person is also a witness and the prosecuting witness in the sex offense case is 16 years of age or younger.

Ch. 348 (SB 135) Mello. Hemodialysis technicians.

Existing law authorizes hemodialysis technicians to perform venipuncture and arterial puncture for the purpose of providing dialysis treatment for a patient. The law does not authorize a hemodialysis technician to administer any medications.

This bill would authorize a hemodialysis technician to administer local anesthetics, heparin, and sodium chloride solutions The bill would require the training program for those technicians to include training in the administration of those medications

The bill would require the medical director of a dialysis facility to certify the competency of each technician authorized to administer those medications and would provide that the certification is to be valid for 2 years during which period the technician would be required to pass a test measuring the technician's competency to administer those medications.

The bill would exempt technicians who are certified by the Board of Nephrology Examination for Nurses and Technicians from the certification and testing requirements.

The bill would require the Department of Health Services, in consultation with others, as specified, to develop the test on or before May 1, 1984, and to make the test available on or before July 1, 1984.

The bill would require the Department of Health Services to submit to the Legislature any notice informing hemodialysis facilities that they cannot act upon an application for the approval of a training program and test within 30 days after submission to the department.

The bill states that changes made by this act are clarifying and interpretive of existing law.

The bill would take effect immediately as an urgency statute.

Ch. 349 (SB 191) Craven. Mobilehomes

Existing law provides that mobilehomes not on permanent foundations, first sold new on or after July 1, 1980, and those that were first sold new on or before June 30, 1980, which have license fees which have been delinquent for 120 or more days on or after July 1, 1980, are subject to local ad valorem property taxation, rather than the vehicle license fee

This bill would provide that mobilehome accessories installed on a lot with a mobilehome first sold prior to January 1, 1977, and which were subject to the vehicle license fee, would not be subject to local property taxation unless the mobilehome is also subject to local property taxation or the accessory is permanently affixed to the land. This bill would establish a rebuttable presumption that mobilehome accessories installed on a rented or leased lot with a mobilehome first sold prior to January 1, 1977, are subject to the vehicle license fee.

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.

This bill would take effect immediately as an urgency statute.

Ch. 350 (SB 323) Stiern. Industrial development financing.

Existing provisions of the California Industrial Development Finance Law provide for the establishment of industrial development authorities by cities and counties, and the issuance of bonds by the authorities to fund the acquisition of property by private enterprise for industrial uses, as defined.

This bill would include warehousing and motor carrier terminals within the definition of industrial uses, and would require that to be an industrial use the activity shall have demonstrated job creation or retention potential

Under existing law, specified terms are defined for the purpose of the California Industrial Development Financing Act, including the term public agency, which is defined as any county, city and county, or city.

This bill would include within the definition of a public agency, a redevelopment agency.

This bill would incorporate additional changes in Section 91503 of the Government Code, proposed by AB 863, to be operative only if AB 1863 and this bill are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last. These changes would become operative on the operative date of AB 1863.

This bill would take effect immediately as an urgency statute.

Ch. 351 (SB 432) Speraw. Mechanics' liens: release bonds.

Under existing law, an owner of property against which a mechanics' lien has been filed may record a bond of a specified nature and amount and thereby cause the property to be released from the lien and from any action brought to foreclose the lien. Notice of the recording is not required to be given to the lienholder.

This bill would require any person who obtains a lien release bond which is recorded to give notice of the fact of recordation to the lienholder. If notice is not given, the statute of limitations on any action on the bond would be tolled until notice is given; and the bill would provide that an action on the bond shall be commenced by the lien claimant within 6 months of recordation of the bond

Ch. 352 (SB 671) Stiern. Legislative Analyst: reports.

Under existing law, the Legislative Analyst is required to report to the Legislature on various subjects.

This bill would eliminate or revise statutory requirements for specified Legislative Analyst reports and would extend the date by which the California Pollution Control Financing Authority is to submit an annual report to the Legislature from March 1 to March 31.

The bill would take effect immediately as an urgency statute.

Ch. 353 (SB 784) Dills. Local planning.

Existing law requires the adoption by each county and city 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, with specified exceptions.

This bill would provide, instead, that the general plan may not be amended more

frequently than 4 times during any calendar year, and would retain those specified exceptions

Ch. 354 (SB 954) Robbins Bail bonds

Existing law regulates the issuance of bail bonds, and provides for the licensure of bail bondsmen, under the jurisdiction of the Insurance Commissioner It is unlawful to solicit an undertaking of bail or a bail bond without such a license.

This bill would define "solicit" for such purposes

The bill would take effect immediately as an urgency statute.

Ch 355 (SB 766) Montoya Boxing

Existing law provides for the establishment of the State Athletic Commission in the Department of Consumer Affairs and specifies its membership, powers, and duties

This bill would make a technical, nonsubstantive change in the provisions concerning the membership of the commission

Existing law requires the commission to appoint inspectors who attend contests, matches, and exhibitions under the jurisdiction of the commission to ensure the observance of the rules of the commission and perform other duties

This bill would require that no inspector shall be assigned to regulate an event under the authority or jurisdiction of the commission who within the preceding 6 months has not participated in a clinic or received specified training.

Existing law provides that the provisions of law concerning regulation of boxing and wrestling by the commission do not apply to amateur wrestling contests sponsored by the Olympic Committee of the U S A. or the district association of the Amateur Athletic Union of America, as specified.

This bill would instead provide that those provisions do not apply to amateur boxing or wrestling contests sponsored by the United States Olympic Committee or wrestling contests sponsored by the district association of the Amateur Athletic Union of America, as specified.

Existing law requires that licensed clubs shall pay to the commission a tax of one cent for each $0.20 or fraction thereof charged for admission to contests, matches, or exhibitions. However, professional boxing clubs are required to pay a tax of one cent for each $0.50 or fraction thereof charged for admission to contests, matches, or exhibitions

This bill would delete the exception to the general tax rate for professional boxing clubs.

Ch 356 (AB 1224) McAlister. Premium finance agencies

(1) Existing law requires a downpayment received by a premium finance agency to be held in trust in a separate bank account or depository, a time deposit, or a certificate of deposit, as specified

This bill would authorize such a downpayment to be held in a clean and irrevocable letter or letters of credit.

(2) Existing law requires a return premium in excess of the amount owing to a premium finance agency to be remitted promptly to the insured or to his order

This bill would require, instead, that any funds received by a premium finance agency in excess of the amount due to be remitted promptly to the insured or to his order or to the insurance agency for the account of the insured

(3) Existing law specifies the aggregate finance charge which a premium finance agency may impose in a premium finance agreement

This bill would authorize an alternative aggregate premium finance charge, as specified

(4) Existing law authorizes a premium finance agreement to provide for a default charge of $1 to a maximum of 5% of the delinquent installment, not to exceed $5

This bill would delete the $5 limit, and authorize a premium finance agreement to provide for a dishonored check fee, as specified, not to exceed $5

(5) Existing law requires an insurance agent or broker who participates in the arrangement of a premium financing agreement to disclose to the insured the amount of any compensation accepted for arranging, directing, or performing services in connection with the premium finance agreement A list of accounts must also be made available to the insurance commissioner

This bill would exempt from those requirements interest paid to the broker or agent by the premium financer based upon delay in payment of the premium due the insurer, as specified.

(6) Existing law provides that any person who diverts or misappropriates insurance funds held in a fiduciary capacity is guilty of theft.

This bill would provide that any premium which a premium financer agrees to advance pursuant to the terms of a premium finance agreement shall constitute fiduciary funds only if actually received by a person licensed under the Insurance Code, as specified.

Ch. 357 (AB 646) Baker. Air pollution emissions: cogeneration technology projects.

Existing law requires air pollution control districts and air quality management districts to issue permits for the construction of cogeneration technology projects smaller than 50 megawatts if specified conditions are complied with. Offsets are required of cogeneration projects smaller than 50 megawatts only to the extent offsets would mitigate the projects' impact and are available from facilities owned or operated by the applicant within the district. The districts are required to provide, not later than July 1, 1982, for, and to periodically revise as appropriate, the necessary mitigation of the air quality impact of cogeneration technology projects smaller than 50 megawatts.

This bill, for a cogenerat on project smaller than 50 megawatts using a combined cycle configuration, would permit the electrical capacity of the steam portion to be excluded from the calculation of total electrical capacity for these purposes if no supplemental firing is used for the steam turbine portion and if the combustion turbine is at least 25% efficient.

Ch. 358 (AB 1650) Katz. California Economic Development Grant and Loan Fund.

Existing law authorizes the Department of Economic and Business Development to administer the California Economic Development Grant and Loan Fund. This fund is created for the purpose of receiving federal, state, and local moneys for allocation by the department as grants or loans to public and private agencies pursuant to federal law for economic development projects, as specified by federal law, and for receiving repayments of those grants and loans for subsequent reallocation as grants or loans in a manner consistent with federal law.

This bill would provide that, notwithstanding the above provision, the department may pool the loans and sell any notes or other evidence of indebtedness derived from grants or loans of moneys on deposit in the fund. In addition, the bill would authorize the department to insure those loans. It would require the proceeds derived therefrom to be used in a manner consistent with federal law. It would also authorize any local development corporation to participate in a transaction by the department authorized by this bill.

Ch. 359 (AB 527) Lancaster. California State University: fees. investments.

Under existing law, the chief fiscal officer of each campus of the California State University is required to deposit and maintain in local trust accounts or in trust accounts in accordance with specified statutory provisions, or in the California State University Trust Fund, moneys received in connection with specified sources or purposes, including fees for instructionally related activities, as specified.

Existing law would, on January 1, 1986, implement similar provisions relating to the deposit of moneys received from these specified sources and purposes, except that fees for instructionally related activities would not be included as one of the specified sources.

This bill would eliminate the implementation of the revised provisions, thereby continuing the provisions of existing law in effect indefinitely.

Existing law authorizes the Treasurer, upon approval of the Trustees of the California State University, to invest money which is received by reason of certain statutory provisions in eligible securities listed in a specified statutory provision.

This bill would authorize the Treasurer or the chief fiscal officer of a campus of the California State University to invest in the eligible securities and in investment certificates or withdrawal shares in federal or state credit unions doing business in this state

so long as any money invested in this manner is fully insured by the National Credit Union Administration

Ch 360 (AB 1213) Johnston. Fire protection services. assessments.

Existing law authorizes certain districts, counties, county service areas, and cities to levy an assessment for fire suppression services and provides the procedure for determining that assessment, including notice, hearings, and protests

This bill would require any such assessment levied on or after January 1, 1984, on land which is devoted primarily to agricultural, timber, or livestock uses and is used for the commercial production of agricultural, timber, or livestock products, to be related to the relative risk to the land and its products

Ch 361 (SB 757) Ellis. Driver license and registration. correction of violations

Under existing law, a peace officer may issue a notice to correct for a violation of the Vehicle Code involving, among other things, drivers' licenses and vehicle registration Under existing law, proof of correction of driver-license and vehicle-registration violations may be obtained from the Department of Motor Vehicles

This bill would authorize proof of correction for driver-license and registration violations to be obtained also from a clerk or deputy clerk of a court

Ch. 362 (AB 594) M. Waters. Flammability standards

Existing law requires any upholstered furniture or mattress which is made from or contains non-flame-retardant cellular foam to be labeled in a manner which will alert consumers of the potential hazards of the product should it become ignited

This bill would delete that provision

Existing law requires all mattresses and upholstered furniture sold or offered for sale in this state to be fire retardant, as defined by regulations of the Bureau of Home Furnishings.

This bill would require all flexible polyurethane foam sold in this state, including any product containing flexible polyurethane foam, to be fire retardant. "Fire retardant" is defined as flexible polyurethane foam which meets both regulations for flammability of the bureau, and federal flammability standards, for polyurethane foam. The bill would authorize the Chief of the Bureau of Home Furnishings to exempt certain polyurethane foams intended for special applications, 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 mandate a new program or higher level of service on local government by creating new crimes.

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, for a specified reason

Ch. 363 (SB 234) Stiern Court reporters' compensation.

Existing law specifies the compensation of court reporters in various counties

This bill would increase the compensation of court reporters in Kern, Kings, Mariposa, and Colusa Counties, thereby imposing a state-mandated local program

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 364 (SB 426) Johnson Cattle disease indemnification

Existing law indemnifies an owner for the required slaughter of a bovine animal in a brucellosis control area if the animal reacts positively to a test for brucellosis Indemni-

ty is not to be paid under specified circumstances including the case, subsequent to January 1, 1957, of a bovine animal which was vaccinated for brucellosis after reaching 12 months of age.

This bill would require that indemnity be paid for any bovine animal that was vaccinated after reaching 12 months of age and that was part of an official whole herd adult vaccination plan, as defined, which was approved by the Director of Food and Agriculture.

Ch. 365 (SB 441) Ayala. Schools: continuation education.

(1) Existing law requires the governing board of each high school district and each unified school district to establish and maintain special continuation classes in accordance with the requirements of existing law whenever there are any minors residing within the district who are subject to compulsory continuation education, except as otherwise provided. Existing law generally requires these classes to be maintained between the hours of 8 a.m. and 5 p.m., unless the governing board determines that the special needs of the community or pupils require maintaining these classes until 6:30 p.m.

This bill would delete the requirement that these classes be maintained between the hours specified under the provisions of existing law, and would require these classes to be maintained during the district's regular school hours, or during special school hours for these classes established by the governing board

This new authorization would impose state-mandated costs, as its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(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. 366 (SB 1015) Montoya. Community redevelopment.

Existing law provides for the creation of a fiscal review committee, under specified circumstances, to assist county officials in the preparation of an assessment report for a redevelopment plan utilizing tax increment financing. Existing law provides that the fiscal review committee shall be composed of one representative from each of the affected taxing entities within the project area and makes the county representative the chairperson of the committee.

This bill would, instead, provide that the chairperson of the committee shall be selected by a majority vote of the members of the committee.

Ch. 367 (SB 1105) Seymour. Housing.

Existing law requires counties and cities, when exercising the authority to regulate subdivisions under the Subdivision Map Act, to consider the housing needs within its jurisdiction and region and to refrain from imposing criteria for design or improvements, as defined, for the purpose of rendering infeasible the development of housing for any and all economic segments of the community Existing law specifies that those provisions shall not be construed to enlarge or diminish the authority of counties or cities under other provisions of law to require a developer to construct that housing.

This bill would, instead, specify that those provisions shall not be construed to enlarge or diminish the authority of counties or cities under other provisions of law to permit a developer to construct that housing The bill would require those local agencies to refrain from imposing standards and criteria for specified public improvements which

exceed the standards and criteria being applied by the city, county, or city and county at that time to its publicly financed improvements located in similarly zoned districts within that city, county, or city and county

Ch 368 (SB 292) Deddeh. Charitable solicitations.

Existing law imposes disclosure requirements on solicitations for charitable purposes, including, among other things, the name of the organization or fund on whose behalf the money collected will be used, the tax status of the organization and 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

This bill would, in addition, require the disclosure of the number of members in the organization and the number of members working or living within the county where the solicitation is being made if the organization making the solicitation represents any nongovernmental organization by the use of any name, as specified, which implies that the organization is composed of law enforcement or safety personnel and, if the solicitation is for advertising, the statewide circulation of the publication in which the solicited ad will appear.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 mandate a new program or higher level of service on local government by creating new crimes.

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 369 (AB 988) Baker. Geothermal Resources Board.

Under existing law, there is in the Department of Conservation a Geothermal Resources Board consisting of specified state officials with prescribed powers and duties, including the duty to hear appeals from orders of the State Oil and Gas Supervisor or the district deputy.

This bill would abolish the Geothermal Resources Board, and would transfer authority to hear appeals to the Director of Conservation, and would make related changes

Ch. 370 (AB 1293) Young Theft· punitive damages.

Existing law makes shoplifting from a merchant or library a crime

This bill would create a cause of action for damages, for shoplifting from a merchant or library, as specified.

Ch 371 (SB 139) B Greene. Aid to Families with Dependent Children· vocational training.

Existing law directs the Employment Development Department to contract with eligible entities for the vocational training and job placement of AFDC recipients These entities are reimbursed at the rate of 1.1 times the actual costs of training those recipients who obtain or are placed into employment that lasts at least 90 days, except that reimbursement for each placement is not to exceed an amount equal to a specified annual AFDC grant.

This bill would provide that, subject to the above reimbursement limit, eligible entities would be reimbursed according to negotiated fixed-fee performance contracts on the basis of the number of recipients placed, rather than on the basis of actual training costs

This bill would provide that reimbursement would be made only where the employment acquired is training-related.

This bill would provide for the repeal of this existing program of vocational training and job placement as of December 31, 1986

This bill would take effect immediately as an urgency statute

Ch. 372 (SB 1175) Johnson. Abandoned vehicles local procedures.

Under existing law, city or county ordinances may establish procedures for the removal of abandoned vehicles. These ordinances must provide notice and an opportunity for a hearing to the owners of the vehicle and the land upon which it sits prior to removal of the vehicle. The notice and hearing requirements do not apply if the property owner and vehicle owner sign specified releases

This bill would authorize such a local ordinance to provide for removal of an abandoned vehicle or part thereof from land that is (1) zoned for agriculture or (2) not improved with a residential structure, without prior notice to the vehicle owner if the landowner consents, the vehicle or part is inoperable, as specified, and cannot be towed, the vehicle or part is worth less than $200, and the vehicle or part is a public nuisance presenting an immediate threat to the public health or safety. The bill would require that specified advance notice be given to the registered and legal owners prior to final disposition of the vehicle or part. There would be no liability for damage caused to the vehicle or part by its removal The bill would make conforming, related changes.

Ch 373 (AB 595) M Waters. Crimes: investigation and prevention.

Under existing law, the Office of Criminal Justice Planning is required to provide grants to proposed and existing local rape, child sexual exploitation and child abuse victim counseling centers, as specified.

This bill would extend the above grants to prevention programs.

Existing law requires these centers to maintain appropriate in-person counseling and referred service and to maintain other standards or services, as specified.

This bill would revise the above provision to require grant recipients to maintain in-person counseling and referral services, and to maintain other standards or services, as specified.

Under existing law a 24-hour telephone counseling service is required to be maintained by these centers.

This bill would limit the telephone requirement to rape victim counseling centers.

Ch. 374 (AB 850) McAlister. Franchises.

Under existing law, a franchisor subject to the California Franchise Relations Act is not required to permit the surviving spouse, heirs, or estate of a deceased franchisee or deceased majority shareholder of the franchisee the opportunity to participate in the ownership of the franchise under a valid franchise agreement for a reasonable time after the death of the franchisee or majority shareholder

This bill would so provide, subject to certain conditions, as to agreements or contracts in effect and transfers taking effect on or after January 1, 1984.

Ch. 375 (AB 1466) Rogers Geothermal wells: fees

Under existing law, fees in specified amounts to be determined by the State Oil and Gas Supervisor with the concurrence of the Geothermal Resources Board are required to be paid in connection with an application for the drilling of a new geothermal well or the redrilling of an abandoned well.

This bill would require the appropriate fee for this purpose to be set forth by regulation and, in addition, would require the supervisor to establish an annual well fee to be imposed, with specified exceptions, upon each producing, service, and idle well that existed at any time during the preceding calendar year to provide funds, as prescribed, for the supervision of geothermal resource wells. The bill would require the establishment of the annual well fee to take into account budget adjustments, as prescribed, and would specify the manner of payment of the fees. The 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 fees.

Ch. 376 (SB 98) B. Greene. Psychiatric Technicians Law

The Psychiatric Technicians Law provides for the licensure and regulation of psychiatric technicians.

Existing law requires the Board of Vocational Nursing and Psychiatric Technician Examiners to appoint an advisory committee, as specified, to serve without compensation except for reimbursement for necessary travel expenses.

This bill would delete that provision

Existing law provides that any person who entered a specified psychiatric technician training program, or an equivalent program, and who has successfully completed the

course or training, is eligible to take the psychiatric technician examination

This bill would delete that provision

Existing law requires an applicant for a psychiatric technician's license to have, among other things, completed a prescribed course of study and training of at least 12 months in length, as specified, and requires clinical inpatient experience to be an integral part of any course of study and training. The law requires that experience be obtained in a state hospital except where the Board of Vocational Nursing and Psychiatric Technician Examiners find that the requirement is not feasible due to the distance from the school or the unavailability, as determined by the Department of Health Services, of state hospital clinical training requirements.

This bill would delete the requirement that the course be at least 12 months in length and would provide that the unavailability of state hospital clinical training placements is to be based upon determination of the Department of Developmental Services or the Department of Mental Health rather than the Department of Health Services.

Under existing law, all existing licenses expire on December 31 of each year, if not renewed

This bill would instead provide that a license expires each year on the date prescribed by the board.

Under specified provisions, a license which has expired may be renewed at any time within 5 years after its expiration on filing an application for renewal on a form prescribed by the board, as specified

This bill would instead provide that a license which has expired may be renewed at any time within 4 years

Existing law provides, under specified circumstances, that a license which is not renewed within 5 years after expiration may not be renewed, restored, reinstated, or reissued thereafter, but the holder may apply for and obtain a new license, as specified

This bill would reduce the 5-year time period to 4 years

The bill would also make various technical and conforming changes

Ch. 377 (AB 1932) Calderon. Public Utilities Commission: hearings: orders and decisions

(1) Under existing law, after the Public Utilities Commission has made an order or decision, an affected party may apply for a rehearing. The corporation or person is required to file the application with the commission before a cause of action can accrue in any court to the corporation or person. The application is required to be filed before the effective date of the order or decision, or, if the commission fixes as the effective date of the order or decision a date earlier than the 20th day after issuance, the application is required to be filed before the 30th day after the date of issuance

This bill would instead require the filing of the application for a rehearing within 30 days after the date of issuance of the commission's order or decision and would define date of issuance as being the date when the commission mails the order or decision to the parties to the action or proceeding

The bill would also require the commission to set an effective date when issuing an order or decision, which date may be set prior to the date of issuance of the order or decision.

(2) Existing law allows a party to apply to the Supreme Court for a writ of certiorari or review of an order or decision of the commission within 30 days after the commission has denied the application for a rehearing or, if the application has been granted, within 30 days after the commission's decision on the rehearing

This bill would specify that this 30-day time period would commence on the day when the commission's decision on the rehearing application, or on the rehearing itself, as the case may be, is mailed to the parties to the action or proceeding.

Ch 378 (AB 143) Herger Pesticides.

(1) Existing law prohibits any person, with specified exceptions, from using any pesticide for any agricultural use except under a permit from the county agricultural commissioner

This bill would instead, prohibit any person from using or possessing any pesticide designated as a restricted material for any agricultural use except under a permit from the agricultural commissioner

(2) Under existing law, a permit is not required for the agricultural use of any pesticide not designated as a restricted material which the county agricultural commissioner determines may be used under local conditions without undue hazard.

This bill would, instead, permit the agricultural use of any pesticide not designated as a restricted material without a permit unless the commissioner determines that its use will present an undue hazard when used under local conditions.

(3) The bill would also permit the possession of pesticides without a permit by a registrant of an economic poison, by a licensed pesticide dealer when operating pursuant to the license, by commercial warehouses storing pesticides, or for the possession and use of these materials when specifically exempted by regulation.

(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. 379 (AB 144) Herger. Economic poisons.

Under existing law, the Director of Food and Agriculture may, after a hearing, cancel the registration of, or refuse to register, any economic poison for specified reasons.

This bill would require the director, whenever he or she cancels the registration of, or refuses to register, any economic poison currently registered by the United States Environmental Protection Agency, to provide the applicant or the registrant with the basis for the decision and the reasons why a conclusion different from, contrary to, or inconsistent with, the conclusion and findings of the federal agency was reached.

Ch. 380 (AB 622) Klehs. Dentistry.

Existing law authorizes the Board of Dental Examiners to hold special meetings as the board may elect, or on the call of the president of the board, or on the call of not less than 4 members thereof, requires written notice to be mailed to members not parties to the call and authorizes the board to hold meetings without notice by unanimous consent, as specified.

This bill would delete the authority to hold meetings without notice.

Existing law requires the Board of Dental Examiners to keep a book showing the names of all persons to whom dental licenses have been granted and such other books as may be necessary to show its acts and proceedings.

This bill would change that requirement to the keeping of a record of all the names of licensees and other records as may be necessary.

Existing law provides that each member of the Board of Dental Examiners is to receive a per diem, as specified, for the review of each 20 examination papers and for each set of examination questions prepared.

This bill would delete that provision.

Existing law provides that certain persons who are licensed to practice dentistry in another state are exempt from the medical licensure requirements of this state, as specified.

This bill would provide that a dentist who holds a current and valid license in any state or country, who is serving as a dentist for any team participating in the XXIIIrd Olympiad, is authorized to practice dentistry and is exempted from California's licensure requirements, provided, that the practice is limited exclusively to care of Olympic team members. An Olympic team dentist not holding a California license to practice dentistry would be required to submit evidence of licensure or certification from another state or a foreign country to the Board of Dental Examiners which may, upon review, issue a certificate to practice dentistry for the period of July 14 to August 15, 1984.

Existing law authorizes the Board of Dental Examiners to deny an application to take an examination for licensure as a dentist or an application for registration as a dental corporation if the applicant has committed any various specified acts constituting grounds for the denial, suspension or revocation of a license.

This bill would include dental auxiliaries in those provisions.

Existing law provides that an applicant for a license to practice dentistry who passes

the National Board of Dental Examiners' written examination shall be exempt from further written examination requirements.

This bill would provide that the above provision is not to be construed to prevent the Board of Dental Examiners of this state from administering a written examination for oral diagnosis and treatment planning.

This bill would make other related and technical nonsubstantive changes.

Ch. 381 (AB 753) N. Waters. California Seed Law.

(1) Under the California Seed Law, that law is funded by a registration fee and a prescribed assessment on every labeler of agricultural or vegetable seed offered for sale or sold in this state and on any person who receives or possesses for sale or sells any seed which is not grown in this state. Existing law does not specifically provide that any of these funds may be distributed to the counties for their enforcement activities related to the seed law.

This bill would, commencing July 1, 1984, and until July 1, 1989, require the Director of Food and Agriculture to pay 30% of the total assessment fees received or $65,000, whichever sum is greater, to the counties as a subvention for costs incurred in the enforcement of the seed law. The counties would be authorized to participate in the subvention program at their option. With a specified exception, the funds would be allocated to counties participating in the program under a prescribed formula based on units of enforcement activity.

(2) Existing law requires that seed sold in this state be labeled with specified information not including a date by which the seed loses its viability.

This bill would require that, in addition to any other labeling requirements, all seed, except vegetable seed in containers of ½ pound or less and seed bearing a date of test which is prior to July 1, 1984, which is sold for nonfarm usage conspicuously bear upon the label a viability assurance statement, as specified, of up to 15 months. Vegetable seed in containers of ½ pound or less, which was packed on or after July 1, 1984, would be required to bear a label indicating the year of the season for which it is packed.

(3) Existing law prohibits the retail sale of any agricultural or vegetable seed more than 15 months after a test to determine the percentage of germination in the seed has been completed.

This bill would exempt seed sold for nonfarm purposes from the prohibition if it bears the viability label as required in (2) above.

(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 impose a state-mandated local program by creating a new crime

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

Ch. 382 (AB 1072) Cortese. Cities: annexation procedures: Santa Clara County.

(1) 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

A special procedure is presently prescribed, until January 1, 1989, with respect to cities within Santa Clara County. The local agency formation commission of Santa Clara County is not authorized 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, and other specified conditions are met.

This bill would further limit the authority of the local agency formation commission of Santa Clara County to review proposed municipal annexations, by making the limitation apply regardless of when the annexation proposal was initiated, and would impose other specified conditions

Ch. 383 (AB 1074) Cortese. Milk.

(1) Under existing law, until July 1, 1983, market milk products which are sterilized and sold for use outside the state are exempt from the requirement that any market milk that is supplied to consumers in the fluid state be class 1 milk. After July 1, 1983, this exemption will only apply to sterilized market milk products that are sold for use outside the 48 contiguous states.

This bill would extend the date on which the exemption for sterilized milk will change to January 1, 1986.

(2) Existing law authorizes the Director of Food and Agriculture to formulate and enact stabilization and marketing plans which contain provisions establishing minimum prices to be paid by handlers to producers for market milk. In establishing these prices, the director is required to consider specified factors, including a requirement that all handlers who receive market milk in this state are obligated to pay these minimum prices regardless of the origin of the milk, whether inside or outside the jurisdiction of the state.

This bill would delete the requirement that the director consider the fact that handlers are obligated to pay the minimum prices regardless of the origin of the milk when the director establishes the minimum prices. The bill would add other specified factors relating to the price paid by handlers to producers for class 2, class 3, class 4a, or class 4b market milk to those that the director is presently required to consider in establishing minimum prices.

(3) Under existing law, each stabilization and marketing plan is required to contain provisions for the establishment of minimum prices for milk received within a marketing area regardless of whether the milk is subsequently sold or distributed in or out of the area, as specified. These provisions are subject to specified requirements.

This bill would modify those requirements.

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

Ch 384 (AB 1121) Sher. Real estate.

Existing law provides for a separate account to be maintainted in the Real Estate Fund for research, education and recovery purposes The law further provides that the separate account shall be divided into funds for recovery purposes and funds for research and education.

This bill would divide the separate account for research, education and recovery purposes into two separate accounts, the Recovery Account and the Education and Research Account without substantive change in the manner in which moneys are deposited or withdrawn from those accounts. The bill would authorize the Real Estate Commissioner to transfer any amount over $400,000 in the Education and Research Account to the Real Estate Fund.

Existing law does not provide a specific method for service of claims against the separate account for recovery by a person who was unable to satisfy a judgment against a real estate licensee.

This bill would provide a method for service of process for those claims on licensee judgment debtors and the commissioner.

Ch. 385 (AB 1170) Seastrand. Contracting agencies terminations—PERS.

Certain provisions of the Public Employees' Retirement Law presently require, upon termination by a contracting agency, retention by the system of accumulated contributions, as specified, and deficiency contributions by, or surplusage payments to, the contracting agency, under specified conditions.

This bill would: revise the description of the actuarial equivalent amounts required to be retained by the system to include contingencies for mortality fluctuations; revise the methods for determining the deficiencies and surpluses and provide for the payment of interest thereon.

Ch. 386 (AB 1176) Areias. Dairy products.

(1) Existing law prohibits, with specified exceptions, the production, manufacture, preparation for sale, or the sale of any milk, cream, or other product of milk to which has been added, or that contains, any compound of boron, salicylic acid, formaldehyde, or other preservative.

This bill would state that mixed tocopherols (vitamin E) or ascorbic palmitate (vitamin C), as approved by the Director of Food and Agriculture, may be added to sterilized

cream, sterilized whipped cream, sterilized cream topping, whipped cream or cream topping, and buttermilk to protect and enhance the flavor of these products.

(2) Existing law specifies the contents and processing standards for various specified dairy products, but not lactose reduced milk

This bill would specify the contents, processing standards, and labeling requirements for lactose reduced milk, lowfat milk, and nonfat milk.

(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 impose a state-mandated local program by creating a new crime.

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

Ch. 387 (AB 1209) Seastrand. State civil service.

Existing law provides definitions of terms for state civil service.

This bill would add definitions to the above existing law for state civil service employees who are "full-time," "part-time," and "intermittent."

Existing law also sets forth general provisions concerning appointments to state civil service.

This bill, in addition to the above existing law, would provide appointment provisions concerning full-time, part-time, and intermittent employees, as specified.

Ch. 388 (AB 1237) Seastrand. Pest control. license.

(1) Under existing law, it is a misdemeanor for any person to engage for hire in the business of pest control, unless the person has an up-to-date agricultural pest control business license issued by the Director of Food and Agriculture and has paid a specified license fee. A person not regularly engaged in the business of pest control that operates only in the vicinity of his or her own property and for the accommodation of his or her own neighbors is not required to procure a license, but is required to obtain a permit from the director and register with the county agricultural commissioner, as specified.

This bill would instead require that person to procure a license, but would exempt the person from paying the license fee. The bill would delete the requirement that this person obtain a permit from the director.

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch. 389 (AB 1282) Young. Insurance.

Existing law provides that whenever a right to rescind a contract of insurance is given to the insurer, the right may be exercised at any time previous to the commencement of an action on the contract.

This bill would provide that the rescission shall apply to all insureds under the contract, including additional insureds, unless the contract provides otherwise.

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 The insurer's obligation to defend, may, by appropriate policy provision, be made inapplicable when [there is]* liability for bodily injury to an insured or liability for bodily injury to an insured whenever the ultimate benefits of that indemnification accrue directly or indirectly to an insured, and liability for damage to property owned, rented to, transported by, or in the charge of, an insured.

Existing law defines the term "an insured" as any insured under the policy.

This bill would define the term "an insured" as any insured under the policy, including those persons who would have otherwise been included within the policy's definition

of "an insured" but, by agreement, are subject to specified limitations. The bill would specify that the limitations apply to any use or operation of a motor vehicle, including the negligent or alleged negligent entrustment of a motor vehicle to a specified designated person or persons.

Under existing law, insurers admitted to transact liability insurance are required to participate in a plan for the apportionment of applicants for automobile bodily injury and property damage liability insurance who are unable to procure that insurance, known as an assigned risk plan.

Under existing law, amendments to the plan may be approved or issued after a hearing by the Insurance Commissioner. Notice of the hearing is required to be published not less than 10 days and not more than 30 days prior to the hearing.

This bill would require notice to be published at least 45 days prior to the hearing or close of the public comment period

Ch. 390 (AB 1418) McClintock. Juvenile Court Law.

Under existing law, a juvenile court may find that a minor who was 16 years or older at the time of his or her commission of a crime is not a fit and proper subject to be dealt with under the juvenile court law, as specified. Moreover, a minor 16 years of age or older who commits any one of specified crimes is presumed not to be a fit and proper subject to be so dealt with, as specified

This bill would provide that if, subsequent to a finding that a minor is an unfit subject to be dealt with under the juvenile court law, the minor is convicted in a court of criminal jurisdiction of any of the crimes coming within that presumption, the finding of unfitness that preceded the conviction shall be applicable to any offense coming within the presumption committed by the minor subsequent to the conviction.

It also would provide that hearings for 2 or more minors may be jointly held upon the rules applicable to trial in courts of criminal jurisdiction

Ch. 391 (AB 1429) Wright. Ventura Regional Sanitation District.

Existing law provides for the composition of sanitation district boards.

This bill would require the Ventura Regional Sanitation District to be comprised of 5 members, including 2 county representatives, 2 city representatives, and one district representative, as specified.

Ch. 392 (AB 1431) McAlister. Mutual insurers.

Existing law provides that domestic mutual insurers shall not be required to have or issue capital stock or shares. Domestic mutual insurers are required to cause an annual report to be issued to policyholders unless the requirement is waived under specified circumstances.

This bill would provide that domestic mutual insurers shall not be required to distribute an annual report to a member other than at the time of the initial policy issuance or once each year on renewal. The bill would also make technical clarifying changes.

Ch. 393 (AB 1442) Filante. Courts.

(1) Existing law authorizes the appointment of court commissioners in specified counties.

This bill requires the appointment, as specified, of a court commissioner in Marin County.

(2) Existing law provides that any change in the salary in effect immediately prior to January 1, 1983, for the court clerk and various attachés of the municipal court 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, 1983, to January 1, 1984, the relevant date for calculating the above-specified date of expiration.

(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. 394 (AB 1801) Connelly. Municipal utility districts' bonds.

(1) 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 and certain provisions requiring the board to give notice inviting sealed bids and awarding the bonds to the highest bidder. Existing law also limits these bonds to a discount of 6% of par value and requires the refunding of revenue bonds to be sold at a public sale.

This bill would make the bond law's limitation on the rate of discount inapplicable to bonds issued by a municipal utility district, would delete the 6% limit on the discount and the public sale requirements for the refunding of revenue funds, and would require the maximum discount, as determined by the board, to be specified in the resolution authorizing the bonds.

(2) Existing law permits a public utility district to issue bonds, without a vote of the electors, pursuant to certain provisions, at a discount not to exceed 6% of par value.

This bill would remove the discount limitation and authorize the district board to determine the discount

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

Ch. 395 (AB 1882) Seastrand. Public retirement systems: generally.

The Public Employees' Retirement Law establishes the Public Retirement System and provides for service and disability retirement for various membership categories.

This bill would: change a provision relating to state safety members to reflect subsequent changes in the class codes of the affected classes; eliminate a conflict between statutes relating to irregular employees; delete a provision authorizing retention for up to one year of a member's contributions, under specified conditions; revise, reenact, and reorganize the provisions relating to service credit for leaves of absence; make other related, technical, clarifying, and corrective changes.

The Volunteer Firefighters Length of Service Award Law defines, among other things, the term "compensation."

This bill would delete that definition.

The Judges' Retirement Law provides for the Judges' Retirement System and, along with other related statutes, requires the transmission of various information to various entities and officers.

This bill would. require various information to be transmitted to the system; eliminate conflicting provisions; and make certain technical changes in that law necessitated by the past enactment of other statutes.

Ch. 396 (SB 45) Ayala. Public facilities.

(1) Existing law permits 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.

This bill would also permit a special district, school district, community college district, county superintendent of schools, or any other agency of the state formed for the local performance of governmental or proprietary functions within limited boundaries to enter into such an agreement

The bill would also renumber various code sections relating to these provisions, and would change various cross-references.

(2) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 397 (SB 93) Presley. Firearms

Existing law provides that a firearm of any nature used in the commission of specified misdemeanors, or of any felony, or in the attempt to commit those misdemeanors or felonies, upon conviction of the defendant, is a nuisance, requiring surrender, and either return to the owner, sale, or destruction of the firearm by law enforcement authorities.

This bill would specify that these nuisance provisions also apply to firearms used in misdemeanors and felonies committed or attempted by 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.

This bill would impose a state-mandated local program by imposing new duties on local police and sheriffs' departments.

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

Ch. 398 (SB 109) Watson. Professional competence.

(1) Existing law provides that within 10 days after a judgment by a court that a person who holds a license, certificate or other similar authority from specified agencies, has committed a crime or is liable for any death or personal injury caused by his or her negligence, error or omission in practice, or his or her rendering unauthorized professional services, the clerk of the court shall report the same to the agency unless the judge who tried the matter finds that it does not relate to the defendant's professional competence or integrity in which case the judge may, by order, dispense with the requirement.

This bill would remove the authority of a judge to dispense with that requirement. However, it would make the requirement applicable only when there has been a judgment in excess of $30,000.

(2) Existing law requires the Division of Medical Quality of the Board of Medical Quality Assurance to take action against any licensee who is charged with unprofessional conduct. "Unprofessional conduct" is defined to include, among other things, repeated similiar negligent acts.

This bill would instead define the term to include repeated negligent acts.

(3) Existing law also provides that unprofessional conduct includes incompetence.

This bill would provide that if the Division of Medical Quality has reasonable cause, as defined, to believe a physician is unable to practice with reasonable skill and safety, it may require the physician to undergo a professional competency examination, as specified. A failure of two examinations would be grounds for disciplinary action for incompetence. The bill would include related provisions.

(4) The bill would also require the Division of Medical Quality to consult with the California Medical Association, the Golden State Medical Association, the Union of American Physicians and Dentists, and other appropriate organizations in order to develop a procedure for addressing physician competence as an alternative to specified procedures in this bill. The Board of Medical Quality Assurance would be required to report to the Legislature by March 1, 1984, on the results of the division's consultations with respect to specified matters, among others, and any alternative process or procedure developed.

(5) Specified provisions of the bill would become operative January 1, 1985.

Ch. 399 (SB 241) Presley Peace officers: personal information.

Existing law provides that every person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any peace officer while designating the peace officer as such, without the authorization of the agency which employs such peace officer is guilty of a misdemeanor; and provides for the confidentiality of the home address of various public officials, including peace officers, appearing in the records of the Department of Motor Vehicles.

This bill would extend such prohibition to the residence address or telephone number of the immediate family of a peace officer, as specified. The bill would also extend the confidentiality provisions regarding motor vehicle records to the spouse and children of a peace officer, as specified to be operative July 1, 1984. The bill would create a state-mandated local program by extending the provisions of an existing penal statute

The bill would prohibit inmates under the control or supervision of the Department of Corrections or the Department of the Youth Authority from working with records or files containing peace officer personnel information and from having access to the

immediate area where that information is normally stored, with specified exceptions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 400 (SB 281) Foran. Transporation: exclusive public mass transit guideways.

Existing law requires the Department of Transportation to request funding for capital improvements to commuter routes to which it provides subsidies for exclusive public mass transit guideways.

This bill would make technical corrections.

Ch. 401 (SB 282) Foran. Passenger rail service crews.

Existing law requires the Department of Transportation to prepare and submit to the California Transportation Commission, on or before July 1, 1982, recommended train crew guidelines for proposed intercity and commuter services pursuant to specified levels and stated conditions.

This bill would repeal those provisions.

Ch 402 (SB 372) Mello San Benito County flood control.

(1) Under existing law, the district engineer of the San Benito County Water Conservation and Flood Control District is required, when requested by the board of directors, to prepare an investigation and report upon groundwater conditions of the district and to include therein specified information.

This bill would instead authorize the board to order the annual preparation by the district of an investigation and report upon groundwater conditions of the district and upon activities of the district for the protection and augmentation of the water supplies of the district. The bill would revise the information required to be included in the report and would make related changes

(2) Under existing law, any groundwater charge levied by the district may not exceed $5 per acre-foot for agricultural water and $15 per acre-foot for water other than agricultural water or water produced for export out of a zone.

This bill would instead limit any groundwater charge to the costs reasonably borne by the district in the period of the charge in providing the water supply service in the district or a zone, but would require that the rate for agricultural water not exceed ⅓ of the rate for all water other than agricultural water.

(3) Under existing law, directors of the district are entitled to receive $25 for each day's attendance at meetings of the board, not to exceed a maximum of $500 per year, and are entitled to their actual and necessary expenses incurred while on official business of the district.

This bill would permit directors to receive a sum not to exceed $100 for each meeting of the board, not to exceed a maximum of $2,000 per year, and would permit directors to receive a per diem not exceeding $100 per day and their actual and necessary expenses incurred while on official business of the district.

(4) Under existing law, all contracts of the district for any improvement or unit of work estimated to exceed $5,000 is required to be let to the lowest responsible bidder in accordance with prescribed procedures.

This bill would increase that amount to $15,000, subject to specified conditions

Ch. 403 (SB 395) Beverly. Bail

Existing law makes it a felony, punishable by a specified fine, or by imprisonment in the state prison or in the county jail, or by both a fine and imprisonment, for a person charged with a felony and released on his or her own recognizance to fail to appear.

This bill would make it a misdemeanor for a person charged with a felony and released on bail to fail to appear.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by mandating a new program or higher level of service on local law enforcement and correctional agencies.

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. 404 (SB 58) Ayala. Water project revenue bonds; Lower San Joaquin Levee District.

(1) Under existing law, revenue bonds issued by the Department of Water Resources are required to be in coupon form.

This bill would instead make it permissive for the department to issue the bonds in coupon form.

(2) Under existing law, the Lower San Joaquin Levee District consists of all the territory within specified boundaries and is governed by a board of directors appointed as prescribed from specified divisions.

This bill would revise the boundaries of the district and would revise the boundaries of Division No. 1 of the district.

(3) Under existing law, the Lower San Joaquin Levee District may cause assessments to be levied, on the basis of land value, to raise money for district purposes.

This bill would revise procedures for the levy of the assessment. The bill would also permit, in lieu of the foregoing, the levy, as prescribed, of a special benefit assessment based on specified factors and computed in accordance with prescribed formulas, to raise that amount. The bill would make legislative findings in this connection and prescribe related matters.

(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 impose a state-mandated local program by requiring county officers to perform specified duties in connection with the collection of assessments of the Lower San Joaquin Levee District.

However, the 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. 405 (SB 143) Foran. Automobile sales finance.

Under existing law, a loan made by a supervised financial organization, as defined by statute, other than a seller, which is used to finance the purchase of an automobile, is exempt from the provisions regulating automobile sales finance. The courts have interpreted this exemption to be inapplicable to loan transactions for the purchase of an automobile where the seller has assisted in arranging a loan between a buyer and a lender.

This bill would provide, however, that nothing in the provisions regulating automobile sales finance shall be deemed to prohibit the seller's assisting the buyer in obtaining a loan upon any security from any third party to be used to pay for the full purchase price, or any part thereof, of a motor vehicle, provided that the loan is subject to various conditions, as specified. The bill would provide that this provision shall not apply to state or federally chartered banks and savings and loan associations and shall not be construed to affect existing law regarding a seller's assisting a buyer to obtain a loan from a bank or savings and loan association or any loan obtained by the buyer from those lenders.

Ch. 406 (SB 294) Petris. Local government.

(1) Under existing law, a statement and map or plat is required to be filed with the State Board of Equalization and the local assessor by January 1 in order for newly formed local jurisdictions to obtain property tax revenues for the fiscal year commencing on the

following first day of July.

This bill would provide that County Service Area EM 1983-1, formed in Alameda County to provide paramedic services, shall be able to obtain operating funds for the 1983–84 fiscal year if the required statement and map or plat are filed on or before August 31, 1983. By requiring local action with respect to this formation in 1983, this bill constitutes a state mandated local program.

This bill would also provide that a volunteer fire company in San Diego County which obtains special district status, as specified, would be eligible to obtain operating funds for the 1983–84 fiscal year, if the required statement and map or plat are filed on or before June 30, 1983. By requiring local action with respect to this matter in 1983, this also constitutes a state-mandated local program.

(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 407 (AB 39) Hannigan. Tax losses reserve funds. generation skipping transfer tax: Senior Citizens Property Tax Postponement Law

(1) Existing law enables a county to adopt procedures to establish a tax losses reserve fund. That fund is utilized to cover losses which may occur in the amount of tax liens as a result of special sales of tax-deeded property. Those procedures are in effect indefinitely, unless the board orders its discontinuance or unless the board receives a petition for discontinuance joined in by resolutions duly adopted by the governing boards of not less than ⅔ of the revenue districts in the county.

This bill would require that the petition for discontinuance be joined in by resolutions duly adopted by the governing boards of not less than ⅔ of the participating revenue districts in the county It also would permit any county electing to follow that procedure to discontinue those procedures with respect to any tax levying agency or assessment levying agency in the county if the rate of secured tax delinquency in that agency in any year exceeds 3 percent of the total of all taxes and assessments levied on the secured rolls in that agency.

Under existing law, if a tax payment which is insufficient to cover the amount of taxes due and payable is received by the tax collector of a county that has elected to follow the procedure referred to above, the tax collector is required to place the tax payment in a trust fund and immediately notify the taxpayer of the deficiency. However, the tax collector is authorized to accept payments which are within $1 of the tax due as payment in full.

This bill would permit the tax collector to accept payments which are within $10 of the tax due as payment in full

(2) Under existing law, the state obtains a lien against property on which the taxes have been postponed pursuant to the Senior Citizens Property Tax Postponement Law. Procedures are established for the foreclosure on property on which taxes were postponed in specified circumstances

This bill would provide that in the event that the state acquires an interest in real property, as specified, for subsequent unpaid taxes, the Controller may, in addition to other options under existing law, take any other action with respect to that real property interest as will best serve the interest of the state, as specified.

Under existing law, state funds are continuously appropriated to pay for certain subventions.

This bill would allow the Controller to pay for certain costs in connection with the above actions from that continuous appropriation.

(3) Existing law imposes a generation skipping transfer tax, in an amount equal to the amount allowable as a credit for state legacy taxes under provisions of the Internal Revenue Code and provides that the amounts received from that tax are to be deposited to the credit of the Inheritance Tax Fund. Statutes providing for the Inheritance Tax Fund were repealed by Propositions 5 and 6 of the June 8, 1982, primary election.

This bill would instead provide that the amounts received from that tax are to be deposited to the credit of the Estate Tax Fund, which was created by Chapter 327 of the Statutes of 1982. It would also make a related technical change to the Generation Skipping Transfer Tax Law.

Ch. 408 (AB 444) Clute Exemplary and punitive damages

Under existing law, in a civil action for the breach of a noncontractual obligation, the plaintiff may recover exemplary and punitive damages if the defendant has been guilty of oppression, fraud, or malice. However, the wrongful death statute, Section 377 of the Code of Civil Procedure, does not permit the recovery of exemplary and punitive damages by the heirs or personal representative of a decedent, although punitive damages are recoverable by the executor or administrator of an estate, under certain circumstances, in an action under Section 573 of the Probate Code.

This bill would provide that exemplary damages may be recovered in an action pursuant to Section 377 of the Code of Civil Procedure or 573 of the Probate Code based upon a death which resulted from a homicide for which the defendant has been convicted of a felony, whether or not the decedent died instantly or survived the fatal injury for some period of time. It would provide for a joinder and consolidation in certain instances, as specified.

The bill would also state that it is a part of the Crime Victim Restitution Program of 1983, as specified.

Ch. 409 (SB 581) Johnson Vehicle registration: residence.

(1) Under existing law, a nonresident owner of a vehicle registered in another state may generally continue to operate the vehicle in this state under the out-of-state registration. If a nonresident temporarily accepts employment in this state or becomes a resident of this state, the nonresident may utilize this exemption only until expiration of the valid home-state license plates on the vehicle at the time of accepting employment in, or becoming a resident of, this state. Under existing law, if a nonresident owns and regularly uses a vehicle in the course of an in-state business owned by the nonresident, the vehicle is required to be registered in California.

This bill would define "resident" for purposes of the Vehicle Code, including a rebuttable presumption that presence in the state for more than 6 months in any 12-month period constitutes residency. The bill would, with specified exceptions, require a vehicle which is based in California or which primarily or regularly uses California highways, as defined, to be registered in California. The bill would make it a misdemeanor for any person while a resident of this state, with respect to any vehicle owned by him and operated in this state, to register or renew the registration for the vehicle in a foreign jurisdiction, without the payment of appropriate fees and taxes to this state. The bill would limit to one year the maximum amount of time that new residents and nonresidents accepting temporary employment in this state may operate a vehicle in California with out-of-state plates. The bill would require registration of vehicles rented, leased, or otherwise furnished by a nonresident to a resident for regular use on highways of this state, and any resident operating such a vehicle upon highways of this state would be required to obtain California registration within 20 days after the resident first operates the vehicle in this state. The bill would require nonresident owners of California businesses to register vehicles used in the business, regardless of whether the vehicle is owned by that nonresident. The bill would state related 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.

This bill would impose a state-mandated local program by making it a misdemeanor for any resident of this state to register in a foreign jurisdiction a vehicle owned by him and operated in this state without paying the appropriate fees and taxes to this state.

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

Ch. 410 (SB 684) Seymour. Vehicle. lighting.

(1) Existing law regulates the use of flashing lights for vehicles, but does not contain a special authorization for funeral processions.

This bill would authorize vehicles in a funeral procession to simultaneously flash turn signal lamps on both sides of the vehicle to warn other motorists of the procession. No civil liability would attach for the use or nonuse of that warning method.

(2) Under existing law, it is unlawful to sell, offer for sale, or use any device which is intended to modify the original performance of vehicle lighting equipment, unless the device has been tested and complies with requirements of the California Highway Patrol.

This bill would expressly authorize the use of stoplamps and supplemental stoplamps equipped to flash not more than 4 times within the first 4 seconds after actuation by application of the brakes.

Ch. 411 (SB 826) Hart. Insurance: grants and annuities societies.

Existing law prohibits a grants and annuities society from receiving transfers of property, conditioned upon their agreement to pay an annuity to the transferor, unless a certificate of authority is first procured from the Insurance Commissioner. The filing fee for the certificate of authority is $5,745.

This bill would reduce the filing fee to $1,500.

The bill would take effect immediately as an urgency statute.

Ch. 412 (SB 838) McCorquodale. Physicians and surgeons

Existing law provides that the authority of the Division of Medical Quality or a medical quality review committee or panel thereof to discipline a licensee under the Medical Practice Act by placing him or her on probation includes, but is not limited to, requiring the licensee to obtain additional professional training and pass an examination, requiring the licensee to submit to a complete diagnostic examination, or restricting or limiting the extent, scope, or type of practice of the licensee.

This bill would provide that such discipline may also include providing the option of alternative community service in cases other than violations relating to quality of care, as defined by the Division of Medical Quality.

Ch. 413 (SB 1018) Montoya. Real estate licensees.

Existing law requires the Real Estate Commissioner to adopt regulations imposing continuing educational requirements of 45 clock hours of specified courses, seminars, or conferences per 4-year period preceding renewal of licenses and to establish standards to assure reasonable currency of knowledge as a basis for a level of real estate practice which will provide a high level of consumer protection and service. Existing law also prohibits the renewal of an active broker or salesman license, unless the applicant has completed the required continuing educational requirements. These provisions are operative only until January 1, 1985

This bill would require the commissioner to revise these regulations to, among other things, require successful completion of these courses and appropriate testing of participants to assure levels of professional competence. The bill would prohibit, commencing on January 1, 1985, the renewal of any real estate license, unless the applicant has completed specified continuing educational requirements. Finally, the bill would provide that these provisions, as amended, would remain in effect only until January 1, 1989

Ch. 414 (SB 1195) L. Greene Civil actions. malpractice.

Under existing law, in any action for damages arising out of professional negligence of a person licensed as a professional engineer, architect, or land surveyor the plaintiff's attorney shall file a certificate that there is reasonable and meritorious cause for filing the action The certificate shall be filed on or before the date of service of the complaint on any defendant The certificate shall contain one of 3 declarations including one that states that the attorney has consulted a licensed architect, professional engineer or land surveyor who is in practice or who teaches at an accredited college or university. Only one certificate need be filed even if there are multiple defendants. This provision is operative only until January 1, 1984.

The bill would require the filing of a certificate in an action for indemnity, as well as damages, and require the filing in every action, including a cross-complaint. The bill would provide with respect to the declaration that the professional person consulted be in the same discipline as the defendant or cross-defendant.

The bill would provide that the person consulted may not be a party to the litigation. The repeal date of January 1, 1984 would be extended to January 1, 1987.

Ch. 415 (AB 167) Nolan Vehicles: Congressional Medal of Honor recipients.

(1) Existing law exempts 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, from the payment of a vehicle license fee on one vehicle.

This bill would delete the residency requirements applicable to the license fee exemption and make technical, clarifying changes to that provision.

(2) Existing law authorizes the Department of Motor Vehicles to issue special license plates to certain vehicles upon payment of specified additional fees.

This bill would require the Department of Motor Vehicles to issue special license plates, inscribed as specified, to any Congressional Medal of Honor recipients who apply therefor and who submit satisfactory proof of eligibility, and would exempt Congressional Medal of Honor applicants from payment of the additional fees. The bill would require surrender of the special plates upon decease of the Congressional Medal of Honor recipient.

(3) Under present law, one passenger vehicle, motorcycle, or commercial vehicle of less than 6,001 unladen weight owned by each qualified disabled veteran may be exempted from registration fees, weight fees, and other fees prescribed by the Vehicle Code, except fees for duplicate plates, certificates, or cards.

This bill would extend that exemption to recipients of the Congressional Medal of Honor. The bill would require prescribed substantiation of eligibility for either exemption.

Ch. 416 (AB 303) Allen. Snakebite kits field trips

Existing law requires that the teacher, instructor agent, or employee have a first aid kit in his or her possession, or immediately available, while conducting a field trip and that the first aid kit include a snakebite kit whenever the field trip is conducted in an area which is commonly known to be infested by poisonous snakes.

This bill would make inclusion of the snakebite kit discretionary.

This bill would require any first aid kit or snakebite kit taken into an area which is commonly known to be infested with poisonous snakes to contain medically accepted snakebite remedies.

This bill would also require that any field trip into an area known to be infested by poisonous snakes that is conducted by any public or private school be accompanied by a teacher, employee, or agent of the school who has completed a first aid course, certified by the American Red Cross, which emphasizes the treatment of snakebites.

This bill would also specify that the school conducting the field trip shall be responsible for complying with these requirements and would further specify that nothing in this bill shall be construed as requiring the American Red Cross to provide first aid courses in any manner or location.

Ch 417 (AB 554) N Waters Agriculture.

(1) Existing law makes legislative findings and declarations in the California Meat and Poultry Supplemental Inspection Act.

This bill would make a technical change in those declarations.

(2) Under existing law, funds collected pursuant to a marketing order under the California Marketing Act of 1937, a marketing program under the Agricultural Producers Marketing Law, the Dairy Council of California Law, or the California Beef Council Law may be invested or reinvested by the Treasurer in specified securities or placed in a bank and handled in the same manner as money in the State Treasury.

This bill would additionally authorize the administering board or council under each of these laws, to directly invest or reinvest those funds or to deposit those funds in a depository instead of only a bank

The increment earned by the investment, reinvestment, or deposit would be payable directly to these boards and councils

(3) Until January 1, 1985, existing law authorizes retail egg inspection to be conducted by county agricultural commissioners only within one county at a time in any single

region of the California Agricultural Commissioners Association. The county is selected by the Director of Food and Agriculture, as specified, on a 3-month rotating basis.

This bill would delete the above limitations on retail egg inspection by commissioners.

Ch. 418 (AB 1067) Stirling. Limited partnerships.

Existing law provides for the implementation of a new comprehensive law relating to limited partnerships on January 1, 1984. Existing law provides that a limited partnership in existence on January 1, 1984, which files a certificate of limited partnership, as specified, shall not be subject to the requirement that the name of the limited partnership contain the words "a California limited partnership" and the restriction that the name not be the same or resemble so closely to deceive, a name under reservation or the name of any limited partnership which has previously filed a certificate. The latter restriction also would not apply to a foreign limited partnership existing on January 1, 1984, if a certificate of registration is issued prior to January 1, 1985.

This bill would provide that notwithstanding these provisions, any limited partnership organized under the laws of this state or any foreign limited partnership existing on October 1, 1983, which has recorded its existence with a county recorder may file, as specified, for the purpose of permitting the Secretary of State to establish a name availability file and other files required to implement the Limited Partnership Act on January 1, 1984.

Existing law provides that upon the filing of any document as to a corporation or pursuant to any provision of the Corporations Code requiring a filing fee of $15 or more or upon the filing of certain documents, including a certificate of dissolution of a corporation, the Secretary of State shall compare up to 2 copies of these documents or 2 copies for each merger transaction without charge provided that the copies are submitted with the original to be filed. Operative January 1, 1984, these provisions would specify that they apply as well to the filing of any document as to a limited partnership.

This bill would amend these provisions to delete the changes which would become operative on January 1, 1984, thus continuing these provisions in essentially their present form.

The bill would also revise provisions relating to applicable filing fees for foreign limited partnerships, as specified.

This bill would take effect immediately as an urgency statute.

Ch. 419 (AB 1382) Elder. Gas customers: alternative fuels.

Under existing law, the Public Utilities Commission is required to establish priorities among categories of gas customers and has, pursuant to rule, order, or decision, established a category of low priority customer having the capability of switching from gas to alternative fuels.

This bill would direct that, notwithstanding any such rule, order, or decision of the commission, industrial gas customers using gas to generate steam for enhanced crude oil recovery or cogeneration shall not be required to maintain any alternative fuel capacity, but that the elimination of this requirement shall not require the commission to assign any higher gas priority to these customers.

Ch 420 (AB 1496) Bergeson. Sanitary districts· leases of property.

Under existing law, a sanitary district may construct, maintain, and operate sanitary treatment and disposal systems

This bill would authorize a sanitary district to lease district property, as specified, to provide revenues for the operation, acquisition, construction, and improvement of the sanitary treatment and disposal systems.

Ch. 421 (AB 1497) Roos. Red light abatement

Existing law known as the Red Light Abatement Law provides that every place used for illegal gambling, lewdness, assignation, or prostitution, or where those acts occur, is a nuisance which shall be enjoined, abated, and prevented. Case law has held that monetary damages are not a remedy under the Red Light Abatement Law.

This bill would provide that, in lieu of ordering the building or place closed, the court may order the person responsible for the existence of the nuisance to pay damages not to exceed the fair market rental value for one year Damages would be deposited in the Restitution Fund and would be available for appropriation for specified purposes.

Ch. 422 (AB 1502) D. Brown. Podiatrists.

Existing law provides that the proceedings and the records of certain organized committees of medical, medical-dental, or veterinary staffs in hospitals, and of certain medical, dental, dental hygienist, chiropractic or veterinary review committees are not subject to discovery, and that no person in attendance shall be required to testify as to what transpired

This bill would extend that provision to podiatric staffs and podiatric review committees, as specified

Ch 423 (AB 2020) Condit Milk products

(1) Under existing law, a milk products plant means any place in which a milk product, except raw milk, is produced. A milk products plant does not include a room in which cheese and cheese products are cut, wrapped, and packaged into individual consumer packages

This bill would repeal the existing definition of a milk products plant and define the term as a place in which a person engages in the business of processing milk and milk products, generally Milk products plants would not include retail establishments, as specified

(2) Existing law prescribes standards for milk products plant sanitation

This bill would except foods that do not affect the flavor or quality of specified cheese and cheese products from these standards when these foods are handled in a room in which the specified cheese and cheese products are cut, wrapped, and packaged.

(3) Existing law prescribes standards for cheese packaging rooms and plants for products resembling milk products.

This bill would repeal these standards.

(4) Existing law prescribes the content requirements for various types of cheese.

This bill would repeal the standards for cheddar, granular, and stir-curd cheese and instead require that cheese represented as a U S. grade meet United States Department of Agriculture standards, as specified The bill would also authorize the Director of Food and Agriculture to adopt grade standards for cheese where there are no federal standards

(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

The bill would impose a state-mandated local program by creating a new crime

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

Ch 424 (AB 368) N Waters Produce markets.

(1) Existing law regulates, until January 1, 1984, the activities of produce markets located in the Counties of Alameda and San Mateo and in the City and County of San Francisco. This law requires the Director of Industrial Relations and the regional deputy labor commissioner to perform various related registration and investigative duties. Existing law also authorizes any union representing registered unloaders, as defined, at a produce market, to bargain with the employer of the unloaders to establish a scale of charges for unloading produce If the union and the employer are unable to agree on a scale of charges, the director is required to mediate the dispute, as specified

This bill would create a system for the establishment of a scale of charges, after a hearing, by the director for unloading produce when a scale is not established pursuant to bargaining The bill would also require that all vehicles at a produce market be unloaded in a timely manner and in the order in which they arrive when the vehicles are unloaded by registered unloaders. Additionally, the bill would delete the January 1, 1984, termination date

The bill would authorize the director to establish, by regulation, fees to recover costs incurred by the Department of Industrial Relations in implementing provisions regarding charges for unloading produce. The bill would require each party participating at

a hearing to pay an equal share of the fee.

(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 impose a state-mandated local program by creating a new crime.

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

Ch. 425 (AB 549) O'Connell. Jurors. nonattendance.

Existing law provides that any trial juror summoned, who willfully and without reasonable excuse fails to attend, may be attached and compelled to attend, and the court may also impose a fine not exceeding $50.

This bill would increase the fine to not exceeding $250.

Under existing law, current source lists of jurors are derived from persons with specified qualifications, including persons who have been licensed by or issued an identification card from the Department of Motor Vehicles.

This bill would instead include persons whose names appear on a list provided by the department of persons who are holders of a current driver's license or identification card.

Ch 426 (AB 296) McAlister. Public funds

(1) Under existing law, a state agency may offset any amount due that agency from a person or entity, against any amount owing the person or entity by the state agency. Offsets may also be taken against any tax refunds for any amounts owed to that state agency.

This bill would allow counties to use the offset method of collection on claims for certain tax refunds for debts owed the counties, when secured by judgments or court orders. The Controller would be required to prescribe standards and procedures for the submission of requests for offsets and to deduct and retain the administrative cost of processing the offset payment

(2) Existing law vests the board of the State Teachers' Retirement System with authority to administer its investments Existing law also prohibits retention by the State Teachers' Retirement System 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 require the board of STRS to submit specified reports to the Chairmen of the Assembly and Senate Rules Committees, and the Minority Floor Leader of each house regarding its implementation of existing law in the areas of administration and investment.

This bill would take effect immediately as an urgency statute.

Ch. 427 (SB 255) Marks Local agency formation commissions: special district representation.

Existing law generally prescribes a 5-member local agency formation commission for each county. The membership of a commission may be augmented by the addition of 2 additional members representing independent special districts in the county. Under existing law, the executive officer of the commission is required to call meetings of a special district selection committee, consisting of the presiding officer of each independent special district in the county, for the purposes of selecting the 2 special district representatives to serve on the commission, filling the vacancy of a member representing special districts, or when requested by members of the special district selection committee

This bill would permit the executive officer, whenever he or she determines that a meeting of the special district selection committee to select the special district representatives, or to fill a vacancy, is infeasible, to conduct the proceedings in writing, under procedures prescribed by the bill

The bill would take effect immediately as an urgency statute

Ch. 428 (SB 296) Vuich Vehicles: farm trailers: registration: exemption.

Existing law exempts from registration specified farm vehicles if they have and display a specified identification plate.

This bill would exempt from registration a trailer which is equipped with a plenum chamber for the drying of agricultural commodities.

Ch. 429 (AB 1883) Davis. Civil procedure

Existing law requires that until January 1, 1984, in actions based upon the professional negligence of a physician and surgeon, dentist, or podiatrist, 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. Under existing law those provisions will be repealed on January 1, 1984.

This bill would extend those provisions to actions based upon the professional negligence of a chiropractor, and would provide for their repeal on January 1, 1987.

Ch. 430 (AB 1802) Connelly. 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 $50,000,000 or 25% of the district's annual gross revenues, whichever is greater.

This bill would expand these provisions to permit a district to incur indebtness for, in addition to these purposes, the planning, design, engineering, acquisition, or construction of water distribution or sewage treatment facilities ~~of~~ [, and would specify that the district's indebtedness authorized under both the existing provisions and these additional provisions may]* not [be]* more than the lesser of either (1) the annual average of the total revenue for the 3 preceding years or (2) 25% of its total outstanding bonds issued under stated provisions of the Municipal Utility District Act when it has owned or operated these facilities for at least 8 years and contains a population of 250,000 or more.

The bill would also state the intent of the Legislature in enacting these provisions.

Ch. 431 (AB 1750) O'Connell. Fish and game: nets.

(1) Existing law regulates the location, use, and construction of nets to take fish for commercial purposes.

This bill would authorize the Fish and Game Commission, after a hearing, when it determines that it is in the best interests of the state's marine resources and fisheries, to adopt regulations, with specified exceptions, authorizing the use of nets not less than 75 feet from any private pier, wharf, jetty, breakwater, or dock, and restricting the use of the nets within 750 feet of any public pier. The bill would make other related changes in the use of nets near piers and docks.

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch. 432 (AB 1210) Seastrand. State civil service.

Existing law provides mandatory reinstatement rights for civil service employees with permanent status to their former positions, if the employee after receiving permanent status, among other things, is (1) rejected during a probationary period from his or her former class, or a class with substantially the same or higher level of duties, responsibilities, and salary; or (2) rejected during a probationary period from a lower class under the same appointing power or (3) demoted from a managerial position, as specified.

This bill would revise the above existing law to provide mandatory reinstatement rights for all those civil service employees with permanent status who have been rejected during probation provided certain conditions have occurred.

Ch. 433 (AB 931) Molina. County Employees Retirement Law of 1937: administrative expense limitations.

The County Employees Retirement Law of 1937 provides that the annual expense of administration shall not exceed .18% of the total assets of the retirement system, except in Los Angeles County, where the limit is .13%.

This bill would provide instead: that until January 1, 1990, the limit for Los Angeles County would be .18% provided, that the expense of that county in any intervening year which exceeds .15% shall be restricted to capital improvements and related necessary system modernization and improvement services; and that, thereafter, the limit for Los Angeles County would be .15%

Ch. 434 (SB 94) Presley. Controlled substances: possession of marijuana.

Existing law generally provides that every person who possesses not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than $100; and every person who possesses more than one avoirdupois ounce of marijuana, other than concentrated cannabis, shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $500, or by both. Existing law, operative September 1, 1983, further provides that possession of any amount 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 is punishable by a fine not to exceed $250 with respect to minors guilty of a first offense.

This bill would revise the latter provision of law to provide that it is possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis, rather than possession of any amount of marijuana, upon school grounds, as specified above, which is punishable. The bill would make a second or subsequent offense by a person under the age of 18 punishable by confinement to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home, instead of the county jail.

This bill would also require the Superintendent of Public Instruction to immediately request each school district to inform its pupils, prior to September 1, 1983, of the provisions of this bill, and would make related changes.

This bill would incorporate changes proposed by AB 1242, if this bill and AB 1242 are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last.

This bill would take effect immediately as an urgency statute.

Ch. 435 (SB 252) Beverly. Peace officer training.

Under existing law, the Commission on Peace Officer Standards and Training may establish and maintain minimum standards relating to peace officer members of, among other entities, districts. For those purposes, the definition of "district" does not expressly include transit districts.

This bill would add transit districts to that definition for those purposes, as specified.

Ch. 436 (SB 497) Presley Shopping carts and laundry carts.

Existing law makes it unlawful to do prescribed acts relating to the removal of a shopping cart or laundry cart from the premises or parking area of a retailer's establishment if the cart has a specified permanently affixed sign.

This bill would additionally make it unlawful to be in possession of any shopping cart or laundry cart while that cart is not located on the premises or parking lot of an establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart. The bill would further provide that in any civil proceeding, any shopping cart or laundry cart which has a sign affixed to it, as prescribed, establishes a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the owner or business named in the sign. The bill would provide that in any criminal proceeding, it may be inferred that any shopping cart or laundry cart which has a sign affixed to it, as prescribed, is the property of the person or business named in the sign and has not been abandoned by that person or business

This bill would mandate a new program or higher level of service on local government by expanding the scope of an existing crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 437 (SB 498) Presley. Professional engineers.

Existing law prohibits any person, on or after January 1, 1983, from using the title "soil engineer" unless that person is a registered civil engineer in California or has been found qualified as a soil engineer according to rules and regulations established by the State Board of Registration for Professional Engineers. Existing law provides that the provisions of law pertaining to the registration of engineers in the branch of soil engineering do not apply to communication industry employees and contractors employees.

This bill would delete that exemption.

Existing law authorizes a person who is a practicing soil and foundation engineer on January 1, 1983, to continue to hold himself or herself out as a soil and foundation engineer or to use that title on or after January 1, 1983.

This bill would instead provide that any civil engineer using the title "soil engineer" on or before July 1, 1984, as prescribed, would be entitled to use the title "soil engineer" on or after that date. The bill would provide that thereafter, no registered civil engineer who was practicing on or before July 1, 1984, may use the title "soil engineer" unless he or she files an application to use the title on or before July 1, 1986. The bill would further provide that any registered civil engineer who furnishes satisfactory evidence of adequate experience and other qualifications in soil engineering, as prescribed, would be entitled to use the title "soil engineer" without an examination

Existing law requires the board to review all engineering title disciplines and submit a specified report in connection therewith to the Legislature by June 30, 1983.

This bill would instead require the board to review all engineering disciplines rather than only title disciplines and would extend that date for submission to June 30, 1984.

Existing law defines an authority level for purposes of the above provisions.

This bill would instead define an authority to use certain titles.

The bill would also make conforming changes.

The bill would take effect immediately as an urgency statute.

Ch. 438 (SB 670) Hart. Uniform Parentage Act: records

Existing law provides that any hearing or trial held under the Uniform Parentage Act may be held in closed court and that all papers and records, other than the final judgment, relating to the hearing or trial are subject to inspection only in exceptional cases upon a court order for good cause shown

This bill would specify that the parties to the action and their attorneys would be exempt from the above-specified limitation on inspection as to those papers and records that are part of the permanent record of the court.

Ch. 439 (SB 713) Presley State park system.

(1) Under existing law, all real property acquired prior to April 1 of each year by the state for the state park system and which constitutes a sufficient useable area of land for that purpose is required to be transferred to the Department of Parks and Recreation by July 1 of each year The Director of Parks and Recreation may 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.

This bill would recast and revise those provisions, including eliminating some reasons for the Department of General Services to retain management of specified properties

(2) Existing law provides that moneys from rents from property under the jurisdiction of the Department of General Services shall be deposited in the General Fund and are appropriated to the department for the care, maintenance, and improvement of those properties and for relocation assistance payments required under law.

This bill would instead require that the rents from those properties, with specified exceptions, be deposited in the State Parks and Recreation Fund. The bill would also

require that the proceeds from the sale of those properties be deposited in the fund which was the original source for the acquisition of the property and, if that fund is not in existence, in the General Fund.

(3) 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 which evaluates and defines specified elements

This bill would specify that the general plan shall serve as a guide for the future development, management, and operation of the unit. The bill would also require the department in discharging its planning duties, consistent with good planning and sound resource management, to attempt to make units of the state park system accessible and useable by the public at the earliest possible time.

(4) Existing law requires the Department of Parks and Recreation to submit to the Legislature, for review, the department's inventory of features and general plan and the State Park and Recreation Commission's classification or reclassification decision.

This bill would repeal those provisions and, instead, require the department to furnish a copy of the general plan for any unit of the state park system for which a plan has been prepared to any Member of the Legislature, upon request.

(5) Under existing law, the first $7,000,000 of revenues received by the Department of Parks and Recreation from the use of any state park system area, with certain exceptions, is deposited in the State Parks and Recreation Fund and any revenue in excess of $7,000,000 is deposited in the General Fund. All fees and other proceeds from [the]* Hearst San Simeon State Historical Monument are deposited in the General Fund, fees and other proceeds from state vehicular recreation areas are deposited in the Off-Highway Vehicle Fund, and fees and other proceeds from the use of boats and boating facilities are deposited in the Harbors and Watercraft Revolving Fund.

This bill would require that all revenues received by the department from the use of any state park system area, other than from state vehicular recreation areas, but including revenues for the entry or launching of boats, be deposited in the State Parks and Recreation Fund The bill would also make a nonsubstantive conforming change regarding revenues from the California Exposition and State Fair.

~~(6) Under existing law, the Department of Parks and Recreation is, generally, authorized to acquire title or any interest in property which the department deems necessary or proper for the extension, improvement, or development of the state park system.~~

~~This bill would declare that, in order to utilize limited financial resources as effectively as possible, the department, in cooperation with the Department of General Services, shall attempt to acquire less/than/fee interests in real property whenever to do so is consistent with the mission and goals of the state park system.~~*

~~(7)~~ [(6)]* Under existing law, all real property acquired for the state park system which was used for agricultural purposes within the 24 months preceding acquisition is required to be made available for lease by the Department of General Services for those purposes unless the Director of Parks and Recreation finds that use would be inconsistent with the property's ultimate use in the state park system Following approval of the general plan for a unit of the state park system, all property designated for permanent agricultural use and all previously leased property which is not to be improved for 3 years are required to be made available by the Department of General Services for agricultural purposes

This bill would recast those provisions and would require, following approval of the general plan for a unit of the state park system, the transfer to the Department of Parks and Recreation of real property acquired for the system which has been leased by the Department of General Services or which has been designated for indefinite agricultural use in the general plan

~~(8)~~ [(7)]* Existing law authorizes the Department of Parks and Recreation to enter into contracts with private parties to construct, operate, and maintain concessions within areas of the state park system These provisions govern concession contracts in effect on January 1, 1983, and not renewed, renegotiated, or amended in any material respect thereafter

This bill would repeal those provisions, and provide for various requirements with respect to procedures for the letting and approval of concession contracts and operating agreements

~~(9)~~ [(8)]* The bill would incorporate additional changes in Section 5010 of the Public Resources Code made by AB 1207, to be operative only if both this bill and AB 1207 are chaptered and become effective January 1, 1984, and this bill is chaptered last.

Ch. 440 (SB 727) Richardson. Law enforcement: marshals.

(1) Existing law makes it a misdemeanor to falsely represent oneself as another or as a fictious person to certain law enforcement officers upon a lawful detention or arrest either to evade the process of the court or to evade the proper identification of that person by the investigating officer.

This bill would add marshals and deputy marshals to the list of law enforcement officers to which this provision applies.

(2) Existing law authorizes the Commissioner of the California Highway Patrol to issue emergency vehicle permits only to specified vehicles, including privately owned vehicles used by certain law enforcement officers. Violation of regulations to implement this provision is a misdemeanor.

This bill would add marshals and deputy marshals to the list of law enforcement officers to which this provision applies

(3) The bill would impose a state-mandated local program by changing the definition of a crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 441 (SB 884) Marks. Courts: San Francisco

Existing law specifies the number and compensation of superior and municipal court personnel in San Francisco

This bill would revise the number and compensation of superior and municipal court personnel in San Francisco, 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. 442 (SB 988) Beverly. Corporations.

Existing law provides that, under specified conditions, any offer or sale of voting stock by a corporation if immediately after the proposed sale and issuance there will only be one class of stock of the corporation outstanding owned by no more than 10 persons, is exempt from the qualification requirements of the Corporate Securities Law.

This bill would revise this exemption to apply to the offer or sale of voting stock by a corporation which results in only one class of stock of the corporation outstanding being owned by no more than 35 persons, under specified conditions.

Existing law provides, with certain exceptions, that the Commissioner of Corporations is authorized to require as a condition to qualification of securities, that a prospectus or proxy statement containing any designated part of the information required in the application for qualification be sent or given to each person to whom an offer is made before or concurrently with the first written offer, as specified, the written confirmation of any sale made by or for such person, payment, or delivery of the security, whichever occurs first.

This bill would provide instead that the commissioner may require as a condition to qualification of a security, that such a prospectus or proxy statement be given to each person to whom an offer is made before the sale of the security to be issued under the permit or order.

Existing law provides that an individual, as defined, who intends to solicit, receive,

collect, or solicit any subscription or contract to pay compensation of any kind from any owner or holder of any security for the purpose of protecting, enforcing, or representing the rights of such security owners or holders, shall first apply for and secure a certificate from the Commissioner of Corporations, authorizing the individual to do so. Various persons and entities are excluded from the definition of "individual" for the purposes of these and other provisions protecting security owners.

This bill would exclude from this definition, among other specified persons, a licensed real estate broker performing services with respect to securities if the licensee would not be subject to the broker-dealer certification requirements for effecting transactions in securities, and any other person designated by the Commissioner of Corporations, by rule, as specified.

Existing law exempts the offer and sale of a franchise from certain registration and disclosure requirements if the franchisor (1) has a net worth of not less than $5,000,000 or a net worth of not less than $1,000,000 and is at least 80% owned by a corporation which has a net worth of not less than $5,000,000, and meets certain specified requirements, or (2) is a petroleum corporation or distributor who is a wholesale distributor or marketer of petroleum products which meets certain criteria.

This bill would impose an additional requirement that such franchisors pay a fee of $450 for filing with the Commissioner of Corporations the initial notice of exemption and $150 for the filing of each consecutive subsequent notice of exemption.

The bill would also increase the fee for filing an application for registration of the sale of franchises and the fee for filing an application for renewal of a registration.

Ch. 443 (SB 1110) Ellis. Real estate: licenses.

Existing law provides that the meetings of the Real Estate Advisory Commission are subject to the local agency open meeting law, known as the Ralph M. Brown Act.

This bill would instead make the commission's meetings subject to the state open meeting law, known as the Bagley-Keene Open Meeting Act.

Existing law authorizes the Real Estate Commissioner to bring an action for injunctive relief in the superior court against any person who has violated or is about to violate any of the provisions of the Real Estate Law or the Subdivided Land Act. Existing law requires at least 5 days' notice be given to the opposing party prior to any order or judgment.

This bill would additionally provide that, in the event the violation or threatened violation jeopardizes funds and other properties in the hands of the defendant, the court may approve a receiver for management of the business of the defendant, as prescribed.

Existing law defines the term "real property security" for the purposes of provisions regulating real property security dealers. This bill would revise that definition.

This bill would also make a technical, nonsubstantive change.

Ch. 444 (AB 641) Johnston. Central San Joaquin Water Conservation District: charges

(1) Under existing law, water conservation districts do not have authority to fix charges on a per-acre basis for general district purposes.

This bill would authorize the Central San Joaquin Water Conservation District only, by resolution of the board, to fix and collect, in accordance with prescribed procedures, a uniform charge per acre on each acre of taxable land within the district, subject to a maximum limit of $2.50 per acre for general district purposes, and would specify related matters. The bill would authorize the board to fix a minimum charge not to exceed $10 for each separately charged parcel.

The bill would authorize the district, in accordance with prescribed procedures, to make a redetermination of the benefits received by landowners and to establish one or more zones of benefit, and to adjust, as prescribed, the charge per acre ~~and landowner voting rights~~* to reflect the percentage of benefit applicable to the zone or zones within which the acreage is located.

The bill would impose a state-mandated local program by authorizing the district to require any county in which the district is located to collect the district charges, and would authorize a county, in that case, to deduct from those charges its cost in collecting them.

The bill would make legislative findings and determinations as to the need for a special 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. 445 (AB 13) Katz. Court costs.

Existing law provides that in any action between a small business or licensee of a state agency and a state regulatory agency involving the regulatory functions of a state agency as applied to the small business or licensee, if the small business or licensee prevails, and if the court determines that the action of the agency was undertaken without any substantial justification, the small business or licensee may, in the discretion of the court, be awarded reasonable litigation expenses, including those incurred in administrative proceedings, attorney's fees, and witness fees, not in excess of $7,500. Such expenses, fees, and costs would be paid from funds in the regular operating budget of the agency where the appropriation therefor encompasses the payment of such expenses, and not from unappropriated money in the General Fund. Existing law defines a small business as a qualified small business under regulations of the Office of Small Business Development, and defines a licensee as a licensee whose gross receipts do not exceed those of a qualified small business with the least maximum gross receipts under regulations of that office.

This bill would instead set forth particular criteria for the definition of a small business, and would define a licensee as a licensee whose gross receipts do not exceed $1,000,000.

Ch 446 (AB 165) Nolan Peace officers.

Existing law provides that a person who has been issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer, if so designated by local ordinance or resolution, if the appointing authority determines the person is qualified to perform general law enforcement duties.

This bill would provide that persons who were eligible to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984, which certificate would have the same effect as if issued prior to January 1, 1981.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by creating a new crime.

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 447 (AB 215) Cortese. Pete's Harbor. swamp and overflowed lands.

Under existing law, swamp and overflowed lands are lands which were granted to the state by the United States and were thereafter subject to absolute alienation by the state, free of any public trust for commerce, navigation, and fishing.

This bill would make various findings and declarations with respect to certain lands, as described, known as Pete's Harbor, located in the County of San Mateo in and along Smith Slough and Redwood Creek, which were conveyed into private ownership by the state as swamp and overflowed lands. The bill would, based upon specified considerations and in recognition of specified matters, (1) declare that the boundary line between sovereign tide and submerged lands and privately owned lands along the banks of Smith Slough within Pete's Harbor shall be the existing mean high tide line as established by survey made not later than 90 days after the effective date of the bill, and shall be

deemed an accurate approximation of the historic mean high tide line, (2) declare the area below the existing line of mean high tide within a specified area to be retained by the record title owner free from any state interests, (3) permit the current record titleholder to construct a berm and place minor fill in a specified area, (4) require the commission to issue a utilities right-of-way, as specified, and (5) require the commission to lease to the current record titleholder for specified purposes a specified portion of Smith Slough. The bill would require the State Lands Commission to survey and map those areas required to effectuate the bill and provide that it shall become effective upon approval thereof by the current record titleholder and the commission. The bill would specify related rights and duties.

The bill would take effect immediately as an urgency statute.

Ch. 448 (AB 475) N. Waters. Cattle.

(1) Under existing law, until June 30, 1984, the Director of Food and Agriculture is required to establish and maintain a modified point-of-origin inspection area, with specified fees for inspection, whenever the cattlemen owning cattle in the affected area request the action by a ⅔ vote of those present at a public hearing Other related cattle inspection provisions will also terminate on June 30, 1984.

This bill would change the date of termination for the modified point-of-origin inspection requirements and related cattle inspection provisions to June 30, 1987. The bill would also expressly limit the voting to cattlemen who are property taxpayers, lessees, or residents of the affected area.

(2) Existing law requires every out-of-state beef processor, before selling or offering to sell beef into this state, to register with the Department of Food and Agriculture and pay specified assessments. Existing law also provides for specified civil penalties for failure to pay agricultural marketing order assessments.

This bill would make the civil penalty provisions relating to marketing order assessments applicable to out-of-state beef processors selling beef into California.

(3) The bill would incorporate additional changes in Section 21059 of the Food and Agricultural Code made by SB 755 only if both bills are chaptered and this bill is chaptered last.

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

Ch. 449 (AB 733) La Follette. Robert H. Meyer Memorial State Beaches.

Under existing law, the Corral Beach project of the state park system was renamed the Robert H. Meyer Memorial State Beach and the Department of Parks and Recreation was required to alter all signs not later than January 15, 1981, to reflect the name change.

This bill would, instead, designate the El Matador, El Pescador, and La Piedra State Beaches, collectively, as the Robert H. Meyer Memorial State Beaches. The bill would require the department, not later than January 15, 1984, to erect appropriate signs to reflect that designation.

Ch. 450 (AB 1131) Vicencia. Fruit, nut, and vegetable standards: wholesalers: registration fees.

(1) Under existing law, the Director of Food and Agriculture and the agricultural commissioners of each county in the state, and their deputies and inspectors, who are under the supervision and control of the director are required to enforce fruit, nut, and vegetable standards, as specified. Also, under existing law and with specified exceptions, no person may act as a commission merchant, dealer, broker, cash buyer, or agent, as defined, unless that person is licensed by the director

This bill would authorize the board of supervisors of counties with a population of at least 6,000,000 to require the registration of, and to establish a schedule of fees to be paid by, a person who maintains an office or salesroom or conducts business relating to fruits and vegetables in the county and who acts as a wholesaler of fresh fruit and vegetables under a license from the director, with specified exceptions. The fees would pay not more than ⅕ of the costs of the county for administration and enforcement of the fruit, nut, and vegetable standards.

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch. 451 (AB 1344) N. Waters Secretary of the Resources Agency: arborescent prototype park: project.

Under the Z'berg-Collier Park Bond Act and the Nejedly-Hart State, Urban, and Costal Park Bond Act of 1976, the Secretary of the Resources Agency is required, on specified dates, to total the unencumbered balances remaining in the funds under those acts and to recommend programs to appropriate those balances.

This bill would require the secretary to consider the arborescent prototype park project of the Southgate Recreation and Park District in Sacramento in developing those programs.

Ch. 452 (AB 1417) Stirling. Commercial fishing: limited entry fisheries.

Existing law defines a limited entry fishery to mean a fishery in which the number of persons who may participate in taking a specified species of fish is limited by statute. Existing law does not provide that a permit to participate in a limited entry fishery be issued to a partner if the other partner held the permit and is no longer able to participate in the fishery.

This bill would provide that, in a limited entry fishery where the death, incapacity, or retirement of a permittee would deprive a working partner, as defined, of that permittee of the ability to continue to derive a livelihood from that fishery, a new permit would be issued to the remaining partner, as specified

Ch. 453 (AB 1494) Bergeson. Immunizations: immunity from liability.

Existing law requires the State Department of Health Services to provide vaccine to local governmental or to private, nonprofit agencies at no cost in order to facilitate a minimal cost immunization program for persons over 60 and high-risk groups identified by the U.S. Public Health Service. Existing law also requires the department to provide these agencies with pneumonia vaccine at no cost to facilitate a minimal cost immunization program for high-risk groups identified by the U.S. Public Health Service.

This bill would exempt from liability for negligence in connection with these immunizations private, nonprofit volunteer agencies, and employees and members thereof, whose involvement with the immunization program is limited to the provision of a clinic site or promotional and logistical support, provided the immunization is performed in conformity with applicable federal, state, or local governmental standards and there is no conduct constituting willful misconduct or gross negligence.

Ch. 454 (AB 2035) Hayden. Coastal zone: recreational piers.

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 open coastal waters, wetlands, estuaries, and lakes, within the coastal zone, under prescribed conditions. Under these existing provisions, new or expanded boating facilities are permitted in open coastal waters, other than wetlands, including streams, estuaries, and lakes.

This bill would, in addition, permit the placement of structural pilings for public recreational piers that provide public access and recreational opportunities in those open coastal waters.

Ch. 455 (SB 519) Dills. Industrial loan company

Existing law provides that the principal balances of loans secured by unimproved real property of an industrial loan company that has investment certificates outstanding shall not in the aggregate exceed 2% of the company's unimpaired capital and surplus not available for dividends, as prescribed. Existing law further prohibits an industrial loan company from holding lease obligations of any one person as primary obligor in an

aggregate amount due in excess of 5% of the unimpaired capital and surplus not available for dividends, as prescribed.

This bill would include obligations purchased by an industrial loan company within the limitation applicable to loans secured by unimproved real property of that company and would increase those aggregate amounts to 10%.

Existing law prohibits an industrial loan company from charging a fee unless a loan is made

This bill would permit an industrial loan company to charge, contract for, and receive a fee in connection with making a written commitment to make a loan, as specified, or in connection with the purchase, sale, or origination of a lease as lessor.

Ch. 456 (SB 77) Presley. Air pollution: motor vehicle inspection and maintenance program.

(1) Existing law authorizes any air pollution control district or air quality management district within a federally designated urban nonattainment area to request the Department of Consumer Affairs to implement a biennial motor vehicle inspection and maintenance program within its jurisdiction. An implemented program is mandatory for all motor vehicles registered and garaged in the district, except that specified vehicles are exempted. Every motorcycle, heavy-duty vehicle, and diesel-powered vehicle is exempt until the department determines that the inclusion of those vehicles is technologically and economically feasible.

This bill would also exempt liquefied petroleum gas powered vehicles from the program until the department determines that inclusion of those vehicles is technologically and economically feasible.

(2) Existing provisions for a biennial motor vehicle inspection and maintenance program provide for privately operated vehicle test stations and repair stations to issue certificates of compliance to vehicles meeting the requirements of the program. The department is required to prescribe the form for the certificate of compliance and to charge a fee not exceeding $6 for each certificate of compliance.

This bill would also require the department to prescribe a form for a certificate of noncompliance, as defined, and to charge a fee not exceeding $6 for each certificate of noncompliance which would be authorized for issuance by vehicle test stations and repair stations for vehicles eligible therefor under a biennial motor vehicle inspection and maintenance program.

(3) Under existing law, any person who violates any of the biennial motor vehicle inspection and maintenance provisions, or any order, rule, or regulation of the department adopted pursuant to the provisions, is liable for a civil penalty not exceeding $500.

This bill would exclude an owner or operator of a motor vehicle from the civil penalty provisions unless (1) the owner or operator obtains, or attempts to obtain, a certificate of compliance or noncompliance without meeting the program requirements or (2) the owner or operator registers a motor vehicle at an address other than the residence address of the owner or operator for the purpose of avoiding program requirements.

(4) Under existing law, it is unlawful for the holder of any vehicle dealer's license to do specified acts relating to the advertising and selling of vehicles.

This bill would impose a state-mandated local program by adding provisions relating to certificates of compliance and noncompliance to these prohibitions.

(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. 457 (SB 211) Lockyer State parks· concessions: regional park districts: leases.

(1) Under existing law, without specific authorization by statute, the maximum term for which contracts may be entered into for the construction, operation, and maintenance of a concession in a unit of the state park system is 20 years.

This bill would authorize the term of a concession contract entered into by the East

Bay Regional Park District, which operates the Robert W. Crown Memorial State Beach under an operating agreement with the Department of Parks and Recreation, for the development and operation of a new marina at that state beach to be for a period not exceeding 50 years, provided that the contract provides for rental rate adjustments every 5 years.

(2) Under existing law generally, a regional park district, regional park and open-space district, or regional open-space 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 district board determine to use the lands for park, open-space, or other district purposes, the lease shall be terminated. However, notwithstanding those provisions, the Board of Directors of the Midpeninsula Regional Open-Space District is authorized to lease district real property for a term not exceeding 50 years if the lease is approved by a resolution adopted by the affirmative votes of at least ⅔ of the members of the district board, upon making an express finding that the purpose of the lease is for park or open-space purposes or for a historic preservation, recreation, or agricultural purpose which is compatible with public use and enjoyment of the real property.

This bill would make that exception also applicable to the Board of Directors of the East Bay Regional Park District with respect to the Alameda Creek Quarries located within Alameda County.

Ch. 458 (SB 221) Foran. Hazardous waste: transportation.

Under existing law, the Department of the California Highway Patrol licenses hazardous materials haulers. Until January 1, 1983, the application fee for those licenses may not exceed $100 for a new license and $75 for a renewal license

This bill would exempt those hazardous waste haulers registered with the State Department of Health Services from this application fee for new and renewal licenses and would authorize a hazardous waste hauler issued such a license to haul hazardous materials which are not hazardous wastes if the vehicle has been inspected by the California Highway Patrol and certified by the State Department of Health Services, pursuant to specified provisions.

Ch. 459 (AB 836) Kelley. Economic poisons.

(1) Existing law provides a method whereby a person who is registered with the county agricultural commissioner as either a pest control aircraft pilot or an agricultural pest control adviser may appeal a suspension of 10 days or less of the registration to the Director of Food and Agriculture. Existing law also provides for a general appeal by these persons to the director if the registration is revoked, suspended, or refused

This bill would specifically exempt from the general appeal provisions the above suspensions that are governed by the specific appeal provisions relating to a suspension of 10 days or less.

(2) Existing law establishes the Agricultural Pest Control Advisory Committee in the Department of Food and Agriculture with a specified membership and duties.

The bill would abolish the existing committee and would create a new committee with the following changes:

(a) The membership and initial terms of office would be revised.

(b) The method of selecting the public member would be revised

(c) All of the members of the committee would be exempted from specified financial interest requirements of the Political Reform Act of 1974, rather than only the members representing agricultural pest control advisers.

(d) The subjects on which the committee advises the director would be revised

Ch. 460 (AB 934) Molina. County Employees Retirement Law of 1937. death benefits.

(1) A provision of the County Employees Retirement Law of 1937, whose application in any county is contingent upon a board determination that its benefits may be financed from surplus retirement fund earnings, requires, upon the death of a retiree, payment to a designated beneficiary of his or her estate, of a death benefit of $750.

This bill would authorize the board to raise the amount of the death benefit to $1,000 This new authorization would impose state-mandated local costs since its exercise would become subject to negotiation under existing law relating to local public employer-employee relations

(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, 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 461 (SB 719) Dills. State Board of Education: approval of requests for waivers.

Under existing law, the State Board of Education is required to approve any and all requests submitted by a school or school district for the waiver of all or part of any section of the Education Code, except as provided. One exception to the waiver approval requirement applies when the board specifically finds that the exclusive representative of the employees was not a participant in the development of the waiver.

This bill would require any waiver request submitted by the governing board of a school district to include a written statement as to (1) whether the exclusive representative participated in the development of the waiver and (2) the exclusive representative's position regarding the waiver.

Ch. 462 (AB 671) Papan. Public Employees' Retirement System: financial transactions.

The existing statutes presently characterize the Public Employees' Retirement Fund as a trust fund, generally prescribe various limitations upon related investments, and impose upon trustees a specified investment standard

This bill would, in addition, prescribe additional fiduciary standards.

Ch. 463 (AB 197) Cortese. Criminal appeals: record. expense.

Existing law authorizes a court to order the fee for reporting and a transcript in criminal cases to be paid out of the county treasury.

This bill would require the payment of the fee for a transcript by the criminal defendant, except in specified cases. Financial ability to pay would be determined as specified.

This bill would provide that a prevailing appellant who was required to pay the costs of transcripts shall be reimbursed for those costs.

The provisions of this bill would be repealed on January 1, 1986, unless a later enacted statute deletes or extends that date.

Ch. 464 (AB 338) Frazee. Courts.

Existing law provides in those counties where the clerk of the superior court places individual judgments in the file of actions and a microfilm copy of the individual judgments is made prior to their placement in the file of actions, the clerk shall not be required to enter judgments in a judgment book, and the date of filing the judgment with the clerk shall constitute the date of its entry.

This bill would instead provide that in those counties where the clerk places ~~original~~* individual judgments in the file of actions, and [either]* a microfilm copy is made, or the judgment is entered in the register of actions, or into the court's electronic data-processing system, prior to placement in the file of actions, the clerk shall not be required to enter judgments in a judgment book, and the date of filing the judgment with the clerk shall constitute the date of its entry.

Existing law provides that, unless otherwise provided, the official bonds of officers of a county and judicial district shall be approved by the judge of the superior court; provides that the bonds of supervisors, treasurers, county clerks, auditors, sheriffs, tax

collectors, district attorneys, recorders, assessors, surveyors, superintendents of schools, public administrators, coroners, and constables shall be approved by the judge or a majority of judges, if there be more than 1, of the superior court before the bonds can be recorded and filed; and provides that approval on the sureties of such bonds be granted before their principal's bonds may be recorded and filed. In counties having 5 or more judges, the approval of 3 judges is sufficient, and approval on the sureties of such bonds must be granted before their principal's bonds may be recorded and filed.

This bill would provide that such approval be made by the presiding judge of the superior court.

Existing law provides that notice of termination of conservatorship be mailed by certified mail by the county clerk of the superior court.

This bill would instead provide that notice of termination of conservatorship be mailed by first-class mail.

Ch. 465 (AB 1354) Floyd. Horseracing: quarter horses.

Under existing law, any association other than a fair conducting a quarter horse meeting, except a mixed meeting, is required to deduct an additional 0.2 of 1% of the total handled in its parimutuel pools for distribution as breeder payments and stallion awards. The California Horse Racing Board is required to designate the organization representing quarter horse horsemen to make the distributions.

This bill would authorize the organization to establish guidelines for distribution of the breeder payments and stallion awards.

Ch. 466 (AB 1444) Filante. County Employees Retirement Law: boards of retirement and investment-compensation.

The County Employees Retirement Law of 1937 presently authorizes boards of supervisors to provide that the qualified-elector members of boards of retirement and boards of investment shall receive compensation at a rate of not to exceed $100 a meeting for not to exceed 3 meetings a month.

This bill would include within the meetings for which the compensation is authorized and which are subject to the monthly maximum, meetings of a committee authorized by the entire board.

Ch. 467 (SB 99) Presley. Public social services: minors.

Existing law provides for the establishment of a public system of statewide child welfare services, under Chapter 978 of the Statutes of 1982.

This bill would repeal certain provisions of law, defining child protective services and providing for contracts with in-home supportive personnel, that are inconsistent with that act.

Existing law provides that general unrestricted or undesignated private charitable donations and contributions made to charitable or nonprofit organizations shall not be deducted from the cost of providing public social services.

This bill would, declarative of existing law, specify that this provision applies to the Aid to Families with Dependent Children-Foster Care program.

Existing law provides for the placement of any minor who is adjudged a dependent child of the court or is separated from his or her family under a voluntary placement agreement.

This bill would specify that such a minor may be placed in any home or facility in accordance with the federal Indian Child Welfare Act.

Existing law directs the juvenile court to conduct periodic hearings to review the status of each dependent child of the court. Pursuant to these hearings, the probation officer is directed to provide a copy of his or her status report, including his or her recommendation as to disposition of the minor, to the minor's parent or parents.

This bill would require, in addition, that, in the case of a minor removed from the physical custody of his or her parent or guardian, the probation officer shall provide a summary of his or her recommendation for disposition to any foster parents, community care facility, or home-finding agency having physical custody of the minor at least 14 days before the hearing.

This bill would also provide that, prior to any hearing involving a determination of placement of a minor in out-of-home care, as specified, the community care facility or

home-finding agency having custody must, and a foster parent may, file recommendations with the court regarding disposition. The court would be required to consider any such recommendation prior to determining any disposition.

Existing law requires that, at the hearing to review the status of a dependent child, the court shall order the return of the child to the physical custody of his or her parents or guardians, unless the court finds that return of the child would create a substantial risk of detriment to the physical or emotional well-being of the child.

This bill would specify that the finding of risk of detriment to the child's physical or emotional well-being would have to be made by the preponderance of the evidence.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by increasing the requirements for the preparation and submittal of reports concerning dependent children on the part of specified county employees and entities.

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. 468 (SB 208) Presley. Law enforcement.

(1) Existing law requires every person who is a peace officer, as specified, to receive a course of training in the exercise of his or her powers to arrest and in the carrying and use of firearms, except as specified.

This bill would instead require peace officers to receive a course of training prescribed by the Commission on Peace Officer Standards and Training, except as specified.

(2) Existing law specifies that park rangers designated by a local agency are peace officers if their primary duty is the protection of park property and the preservation of peace therein.

This bill would revise that provision as to the duties of these park rangers to include the protection of other property of the local agency.

(3) Existing law specifies that certain emergency vehicles may display a blue warning light.

This bill would authorize emergency vehicles of the Lake Hemet Municipal Water District to display such a blue light.

Ch. 469 (SB 258) L. Greene. Public contracts: land surveying.

Existing law declares, as a matter of public policy, that contracts negotiated by the state or its political subdivisions for architectural or engineering services must be based on demonstrated competence and professional qualifications for the services required, rather than competitive bidding.

Existing law further requires specified state officers and employees to adopt procedures to assure that these services are so engaged at fair and reasonable prices to the public agencies and that there is maximum participation by small business firms

This bill would extend these provisions to additionally apply to the negotiation of contracts for land surveying

Ch. 470 (SB 378) Marks. Local agency formation commissions.

(1) Existing law provides for the creation of local agency formation commissions, referred to as LAFCO's, to perform various functions, including generally the power to review, and approve or disapprove proposals to reorganize various agencies of local government. Existing law permits a LAFCO to establish a schedule of fees, not to exceed specified amounts, for checking the sufficiency of petitions filed with the executive officer of the commission and for the estimated expenses of the preliminary proceedings

to be taken by the commission for proceedings conducted under the Municipal Organization Act of 1977 and the District Reorganization Act of 1965, and for conducting proceedings on applications filed by special districts relating to the extension of their powers.

This bill would permit a LAFCO to increase the amount of the maximum fee which may be charged for performing those services. The bill would require those fees to be imposed pursuant to other provisions of existing law which require a local agency to hold a public meeting prior to levying a new fee or approving an increase in an existing fee.

(2) Existing law requires a LAFCO to conduct a hearing if any local agency or county requests an amendment or revision of an adopted sphere of influence.

This bill would, in addition, require the LAFCO to conduct a hearing if any local agency or county requests an amendment or revision of an adopted urban service area, as defined, and by doing so would impose a state-mandated local program.

(3) The bill would incorporate additional changes in Sections 54990 and 54993 of the Government Code, proposed by SB 445, to be effective only if SB 445 and this bill are both chaptered and become effective January 1, 1984, 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. 471 (SB 383) Johnson. Transportation: Lake Tahoe Region

Existing law, contained in the Tahoe Regional Planning Compact, among other things, establishes the Tahoe transportation district and prescribes the powers of the district.

This bill would, in addition to the other powers of the Tahoe transportation district, authorize the district (1) to establish procedures for the adoption of its budgets, the appropriation of its money, and the carrying on of its financial activities, (2) to acquire any privately owned transportation system or facility within the Tahoe region, and (3) to contract with private companies to provide supplementary transportation or provide any services needed in operating a system of transportation for the Tahoe region.

The compact presently authorizes the Tahoe transportation district upon approval of voters of the district by a two-thirds vote, to impose a tax for the purpose of obtaining services of the district. This bill would change the required two-thirds voter approval for imposition of a tax to approval by a simple majority.

Ch. 472 (SB 418) Robbins. Jury trials: presence of judge.

Existing law provides that after the jury in a civil or criminal case has retired for deliberation, if there be a disagreement between them as to any part of the testimony, they may return to the court for clarification.

This bill would specify that, except for good cause shown, a judge in his or her discretion need not be present in the court while testimony previously received in evidence is read to the jury. This provision would be repealed on January 1, 1987, unless extended by later legislation.

Ch. 473 (SB 495) Petris. Insurance: home protection companies

Existing law, with respect to home protection companies, provides that until September 1, 1983, the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of its franchise agreement is not unlawful where pursuant to the franchise agreement the waiver or forgiveness occurs in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary or affiliate. The provisions of existing law apply only with respect to the waiver or forgiveness of a marketing fee otherwise payable by a franchised real estate licensee under the terms of a franchise agreement where, as of July 1, 1981, the franchise agreement form provided for the waiver or forgiveness of a marketing fee in the event the franchisee markets or sells a home protection contract issued by the franchisor or its parent, subsidiary or affiliate.

This bill would extend the date of repeal until September 1, 1985. It would also require

a disclosure statement to be presented in writing to any person offered a home protection contract, as specified

Ch. 474 (SB 561) Robbins. Vandalism.

Under existing law, it is unlawful for any person to maliciously deface with paint or any other liquid, damage, or destroy any real or personal property not his own.

This bill would provide that in an action for the intentional and malicious destruction of real or personal property at a site where substantial improvements to real property are under construction, upon judgment in favor of the plaintiff, the court may award an amount not to exceed 3 times the amount of actual damages, and may award reasonable attorney's fees.

Ch. 475 (SB 659) Carpenter. Local public employees retirement allowance increases and health benefits

Existing statutes presently increase retirement allowances under the Public Employees' Retirement Systems with respect to state members who retired on a date prior to January 1, 1981, by an additional 4% on July 1, 1981, until April 1, 1982.

This bill would authorize any contracting agencies to elect to make those statutes applicable to itself.

Ch. 476 (SB 665) Ellis. Marriage.

Existing law provides that the county clerk may issue a certified copy of a confidential marriage certificate to the couple so married if both the husband and wife appear in person, provide acceptable identification, and sign a request therefor. It also provides that the parties to such a marriage may send an application for a certified copy of the confidential marriage certificate that is provided to them at the time of the marriage to the county clerk.

This bill would specify that a party to a confidential marriage may obtain a certified copy of the certificate in one of 3 ways: (1) by submitting the application for a certified copy of the confidential marriage certificate provided to the parties at the time of the marriage; (2) by personal appearance with proper identification before a notary public or at the county clerk's office where the certificate is filed, or (3) by personal appearance at the county clerk's office of his or her county of residence with proper identification, obtaining a certificate from the clerk attesting to his or her identity, and transmitting that certificate to the county clerk of the county where the certificate is filed.

This bill also would provide that an authorization for a confidential marriage is valid only for 90 days after its issuance and may only be used in its county of issuance.

It also would make other related changes

Ch. 477 (SB 697) McCorquodale. Adoption.

Existing law prescribes the procedure for the adoption of a child.

This bill would provide that a stepparent adopting a child shall be liable for all reasonable costs incurred by the county in making an investigation required by existing law up to a maximum of $100, except as specified.

It also would delete the requirement of existing law that the consent to such an adoption shall be on a form prescribed by the State Department of Social Services, and would provide that rather than filing a certified copy of the consent with the department, the court clerk shall notify the probation officer or the county welfare department, as specified. It also would provide that notification of the department of the pendency of an adoption petition, any subsequent action taken, and the date of a final decree of adoption is not required if the petition is by a stepparent, as specified.

Ch. 478 (SB 806) Marks. Redevelopment and housing.

(1) Under the Community Redevelopment Law, the redevelopment agency may make certain redevelopment construction loans. For that purpose "redevelopment" is defined as certain repairs and improvements to a substandard residence necessary to meet local codes.

This bill would include within the definition of "redevelopment" the acquisition of substandard residences for purposes of repairs and improvements where the cost of such repairs and improvements equals or exceeds 25% of the cost of the acquisition The bill would also define "residence" for purposes of redevelopment projects to include resi-

dential hotels, as defined.

(2) Under existing law, redevelopment agencies operating in jurisdictions with populations in excess of 600,000 are granted special authority until January 1, 1984, to provide for multifamily rental units outside of a project area.

This bill would extend the date until January 1 1986, and generally revise the provision.

(3) Under existing law, a redevelopment agency may issue certain notes which shall mature in not more than 2 years.

This bill would extend the maturation date to 5 years.

(4) Under existing law, the redevelopment agency may sell any revenue bond or other evidence of indebtedness at a price below its par value, except the discount on any revenue bond so sold cannot exceed 6% of the par value thereof.

This bill would delete this provision.

(5) Existing law generally requires the appointment of 2 tenant commissioners to a housing authority, including housing authorities where the city or county governing body has declared itself to be the commissioners of the authority. Where the governing body has so declared itself to be the commissioners of the authority and has established a prescribed housing commission, current law permits the appointment of 2 tenants to such housing commission in lieu of appointing 2 tenants as commissioners of the housing authority, provided such housing commission does not have more than 7 members. Existing law also permits tenant appointments to housing commissions having not more than 9 members, in lieu of tenant appointments to the housing authority, where the housing commission also serves as a prescribed community redevelopment commission, and permits reorganization of such housing commission or joint commission for such purpose.

This bill would delete the condition limiting the authority of the governing body to appoint tenant committees to housing commissions that do not have more than 7 commissioners and to joint commissions that do not have more than 9 members and would also delete the provision authorizing the governing body to reorganize those commissions for such purpose.

(6) Under existing law, a housing authority may sell bonds at not less than 95% of par at public sale after notice except for bonds sold to the federal government which may be sold at less than par at private sale without advertisement.

This bill would delete the percentage of par limitations on the bonds and authorize them to be sold at public or private sale in such manner and upon such terms as the housing authority provides by resolution.

(7) Existing law authorizes specified charter cities which issued revenue bonds to finance mortgage loans on homes prior to February 1, 1980, to issue additional revenue bonds for mortgage loans subject to specified conditions, one of which is that the maximum purchase price for a home not undergoing rehabilitation in connection with this financing shall not exceed the median purchase price of homes in the city.

This bill would delete that condition.

(8) Existing law defines "residence," for purposes of the Marks-Foran Residential Rehabilitation Act of 1973, to include prescribed residential hotels

This bill would revise the description of residential hotels included within that definition.

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

Ch. 479 (SB 1089) Hart. Courts: Santa Barbara County.

(1) Existing law specifies the number, compensation, and classification of superior and municipal court personnel in Santa Barbara County.

This bill would revise compensation of court reporters, and revise the number, compensation, and classification of municipal court personnel, in Santa Barbara County.

(2) Existing law provides for the Santa Barbara-Goleta Judicial District in Santa Barbara County.

This bill would change the name of the Santa Barbara-Goleta Judicial District to the South Coast Judicial District.

(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 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. 480 (SB 1126) Keene. Industrial loan companies.

Existing law provides that, with specified exception, an industrial loan company shall not make any loan or purchase or discount any note secured primarily by real property unless the loan or obligation is repayable in substantially equal weekly, semimonthly, monthly or quarterly installments during the term of the loan.

This bill would provide that an industrial loan company may make a loan or acquire an obligation which is repayable in unequal periodic payments during its term and which is secured by either real property or personal property or by both, provided that it is not a consumer loan or a consumer obligation. The bill would also define real property for the purposes of these provisions, as specified.

Ch. 481 (SB 1171) Johnson. Water: appropriation: community services districts.

(1) Under existing law, until January 1, 1984, specified applications for the appropriation of water made by the Department of Water Resources are exempt from the statutory requirements relating to due diligence in pursuing an application generally applicable to appropriations of water.

This bill would delete that termination date.

(2) Under existing law, community services districts generally have no authority to borrow funds in anticipation of tax collections in future years.

This bill would authorize the Hamilton Branch Community Services District to borrow money, in accordance with prescribed requirements, to be used for the payment of current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the district in a total amount which does not exceed 85% of the anticipated revenues to be received by the district during the 4-year period of a special tax measure approved by the voters on March 8, 1983. The bill would make legislative findings and declarations as to the necessity for this provision.

Ch. 482 (SB 1174) Johnson. California State Police Division.

(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 create the California State Police Fund and would require a monthly transfer to the 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 California State Police Division. The bill would declare that those moneys are available, when appropriated therefor, to pay refunds of erroneously deposited fines and forfeitures and for training peace officers of the California State Police Division, as specified. The remaining 50% would be transferred to the general fund of the county.

(2) This bill would impose a state-mandated local program by requiring counties to transfer moneys and keep records in order to implement the provisions of this act, thereby increasing county administrative costs.

(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. 483 (SB 1249) Marks Open space subventions.

Existing law provides for the payment of Open Space Subvention entitlements to local governments. The Controller is directed to make these payments at a time specified in a provision that was subsequently repealed.

This bill would specify the applicable date when the Controller is directed to make the payments.

Ch. 484 (SB 1253) Davis. Schools. equipment.

Existing law permits any school district or county board of education to sell and leaseback any electronic data-processing equipment owned by the district or board if the board determines that the sale and leaseback is the most economical means of providing this equipment.

This bill would make other major items of equipment subject to this sale and leaseback provision.

Ch. 485 (SB 1265) Marks Cities, counties: school district loans.

Existing law generally prohibits a city or county from loaning its funds except as is specifically authorized.

This bill would authorize a city or county to loan funds to school districts for the purpose of removing or replacing asbestos-derived materials used in constructing, insulating, or furnishing a school of the district, which is potentially detrimental to the health of pupils, teachers, or others using the school. The bill would permit repayment of the loan to be made only from the school district's deferred maintenance fund.

Ch. 486 (SB 1269) Petris. Change of name

Under common law, any person may change his or her name for all but fraudulent purposes without a court order. However, if a person desires, he or she may petition the superior court for a change of name, which may be granted after a hearing to consider objections to the change from any person. ~~Existing law also requires all applications for change of name be heard and determined by the superior courts.~~*

This bill would provide that if no objection is filed with the court the court may enter the order to change the name without a hearing. ~~The bill would also delete the requirement that the application for change of name be heard by the superior courts.~~*

Ch. 487 (SB 465) Watson. Foster care group home rates.

Existing law provides that a statewide rate system shall be established for the costs, including shelter costs, of providing foster care in group homes under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

This bill would set forth standards for determining reimbursement to group homes for shelter costs during the 1983-84 fiscal year under the AFDC-FC program.

This bill would provide that the department shall establish a formula or formuli which meet specified criteria for use in fiscal years subsequent to the 1983–84 fiscal year in computing the reimbursement for group home shelter costs under the AFDC-FC program.

This bill would take effect immediately as an urgency statute.

Ch. 488 (AB 36) Hannigan. Personal income tax.

The existing Personal Income Tax Law imposes an income tax upon the entire taxable income of every resident of this state and upon the entire taxable income of every nonresident which is derived from sources within this state.

This bill would substantially revise the Personal Income Tax Law by repealing and amending various sections of the Revenue and Taxation Code and by making reference, with specified exceptions, to various provisions of the Internal Revenue Code of 1954 in effect as of a specified date to conform them, in part, to the federal income tax.

This bill would also make various related technical changes to the state tax laws.

This bill would require the Franchise Tax Board to submit annually to the Legislature a report on all changes to the Internal Revenue Code enacted into law in the prior year, as specified. It would also require the Franchise Tax Board to prepare an analysis of any bill changing the specified date the provisions of the Internal Revenue Code of 1954 are in effect, which would be made available to the public and published, as specified.

This bill would make additional changes in Section 17054, Revenue and Taxation Code, proposed by AB 710, to be operative only if AB 710 and this bill are both chaptered, and this bill is chaptered after AB 710

This bill would make additional changes in Section 17063, Revenue and Taxation Code, proposed by AB 153, to be operative only if AB 153 and this bill are both chaptered, and this bill is chaptered after AB 153.

This bill would make additional changes in Section 17240, Revenue and Taxation Code, proposed by this bill, to be operative only if AB 234 and this bill are both chaptered, and this bill is chaptered after AB 234.

This bill would take effect immediately as a tax levy

Ch. 489 (AB 16) Elder Local agencies: temporary borrowing.

Existing law authorizes local agencies, prior to receipt of sufficient income and revenues for the payment of obligations incurred during the fiscal year, to borrow an amount not exceeding a specified portion of its anticipated income and revenues for the fiscal year, by issuing notes, tax anticipation warrants, and other evidences of indebtedness.

Presently, the law requires the local agency to sell such instruments of indebtedness to the bidder offering the lowest rate of interest or the lowest net cost to the local agency. Until January 1, 1984, the maximum rate of interest payable on instruments of indebtedness of a local agency is 12% After January 1, 1984, the maximum rate becomes 10%.

This bill would permit the sale to be made at an interest rate not exceeding 15%.

Ch. 490 (AB 350) Harris. Summary judgment

Existing statutes set forth procedures for motions for summary judgment in civil cases.

Existing law requires the notice of motion and papers to be served on the other party at least 10 days before the hearing

This bill would require the notice of motion and papers to be served on all other parties to the action at least 28 days before the hearing, and would increase that time where served by mail, as specified.

Existing law requires the motion for summary judgment to be heard no later than 45 days before trial, except for good cause.

This bill would require the motion to be heard no later than ~~30~~ [30]* days before trial, except for good cause.

Existing law requires the motion to be supported or opposed by affidavits and other supporting papers.

This bill would also require the supporting papers for the motion to set forth material facts which are contended to be undisputed, as specified.

The bill would require any opposition to the motion for summary judgment to be served and filed not less than 14 days before the hearing, unless the court orders otherwise. The bill would also require the opposing party to respond to the material facts contended by the moving party to be undisputed, and to set forth any other material fact contended by the opposing party to be disputed The bill would require a reply to the opposition to be served and filed not less than five days before the hearing, unless the court orders otherwise.

Existing law provides that the court shall specify issues which are without substantial controversy in certain instances

This bill would provide that upon the denial of a motion for summary judgment on the ground that there is a triable issue as to one or more material facts, the court shall specify one or more material facts as to which there exists a triable controversy.

Existing law provides that a summary judgment is appealable Under existing law, a denial of a motion for summary judgment may, in some instances, be reviewed by means of an extraordinary unit

This bill would specify that upon entry of an order relating to summary judgment, other than the entry of summary judgment, a party may petition for a peremptory writ, and would specify time limits for seeking review.

Ch. 491 (AB 377) Roos. Property tax allocations

(1) Existing law requires the county auditor to apportion property tax revenues among cities, counties, special districts, school districts, community college districts, and the county superintendent of schools, according to a specified formula. Existing law specifies that "property tax revenue" does not include the amount of property tax levied for the purpose of making payments for the interest and principal on general obligation bonds or other indebtedness approved by the voters prior to July 1, 1978

This bill would require for local agencies which levy a property tax rate for indebtedness other than bonded indebtedness no higher than the rate for such indebtedness in the 1982–83 fiscal year, if the amount of property tax revenue allocated to a local jurisdiction in any part or all of the 1978–79 to 1982–83 fiscal years, inclusive, is found to be incorrect due to the inclusion of property taxes levied for voter-approved indebtedness as property tax revenues pursuant to other specified provisions of law, that the amount apportioned in the 1983–84 fiscal year and 1984–85 fiscal year be based on the base-year amount for the 1982–83 fiscal year, prior to any corrections of incorrectly included amounts. The bill would impose a state-mandated local program by requiring the county auditor to make appropriate corrections to each jurisdiction's base-year allocation for the 1978–79 to 1982–83 fiscal years, inclusive.

This bill would specify the method of computing the required amount of property tax revenue allocated pursuant to specified statutory provisions to each jurisdiction in the prior fiscal year, in counties where the allocation was incorrect in any or all of the 1978–79 through 1982–83 fiscal years.

This bill would prohibit reductions or increases in apportionments to adjust for overapportionments or underapportionments as follows:

(a) For the 1983–84 fiscal year, and fiscal years thereafter, to adjust for incorrect apportionments resulting from the inclusion of voter-approved indebtedness as property tax revenue in any fiscal year from 1978–79 to 1982–83 inclusive.

(b) For the 1985–86 fiscal year, and fiscal years thereafter, to adjust for incorrect apportionments in the 1983–84 and 1984–85 fiscal years resulting from the inclusion of voter-approved indebtedness as property tax revenue.

(2) Existing law limits the amount of ad valorem property tax which local agencies may levy, as specified.

This bill would prohibit local agencies from imposing a property tax rate pursuant to a specified statutory provision for other than bonded indebtedness, as defined, for the 1983–84 and 1984–85 fiscal years, which is in excess of specified tax rates imposed for other than bonded indebtedness, and would deem this rate to be a maximum tax rate pursuant to specified constitutional provisions.

This bill would reduce the amount of property tax allocated to any local agency, on a dollar-for-dollar basis, and any property tax revenue attributable to the excess rate, and would reallocate this excess to elementary, high school, and unified school districts within the agency's jurisdiction in proportion to the average daily attendance of these districts.

(3) This bill would require the Legislative Analyst to study, in cooperation with the Department of Finance, and to report to the Legislature on June 30, 1984, the tax rate which could have been levied by each local agency for other indebtedness in the 1984–85 fiscal year, in the absence of this bill, and the rate actually levied.

(4) This bill would declare the Legislature's intent in enacting 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.

(6) The provisions of this bill would take effect immediately as an urgency statute.

Ch. 492 (AB 1159) Connelly State Building Standards Code.

Under existing law, the State Buildings Standards Commission must approve proposed building standards and, if the commission requires changes in the standards as a condition of approval, no additional hearing is required by the affected state agency in connection with the change.

This bill would provide that no additional hearing is required by the affected state agency in connection with the change only in specified circumstances.

Ch. 493 (AB 1312) Connelly. Courts: fees.

Existing law imposes various court fees

This bill would require a $50 deposit, except as provided by Judicial Council rule,

payable to the originating court, for appeals to the Supreme Court or a court of appeal, to be forfeited or refunded, as specified.

Ch. 494 (SB 275) Vuich. California Navel Orange Commission.

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities.

This bill would create the California Navel Orange 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, and research relating to navel oranges. The bill would authorize the commission to levy an assessment on producers of navel oranges, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill.

The bill, except as necessary to conduct an election, would not become operative until the producers of navel oranges, by referendum, vote in favor 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

This bill would impose a state-mandated local program by creating a new crime.

However, the 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. 495 (SB 331) Presley. Reports of crime. immunity.

Under existing law, a communication relative to a judicial proceeding is privileged and does not give rise to liability for damages for defamation. However, existing statutory law does not provide immunity for damages in a civil action to an anonymous witness program which receives and disseminates information regarding possible criminal activity.

This bill would provide that an organization which sponsors or conducts an anonymous witness program shall not be liable in a civil action for damages resulting from receiving or disseminating information regarding possible criminal activity, in certain circumstances.

Ch. 496 (SB 202) Seymour. Community care facilities.

(1) Under the California Community Care Facilities Act, before issuing a license or special permit to an applicant a criminal record clearance is required for specified persons, including certain officers, directors, or shareholders having a beneficial interest exceeding 10% in the applicant or additional officers of the applicant's governing body, or other persons with a financial interest in the applicant, as determined by the director.

This bill would delete the requirement that a criminal record clearance be required of the specified persons having a beneficial interest exceeding 10% in the applicant. The bill instead would require a criminal record clearance of the chief executive officer or other person serving in like capacity.

Under existing law, certain persons cannot have been convicted of any crime, other than a minor traffic offense, unless the Director of Social Services grants an exemption, which is permitted under specified circumstances. However, the director cannot grant an exemption if the applicant or administrator of the applicant's facility located within one mile of an elementary school is convicted of a sex offense against a minor, as defined.

This bill would, instead, provide that the director cannot grant the exemption for specified persons convicted of certain offenses relating to child abuse or neglect, and other serious crimes against an individual, as specified.

Under existing law, all employees of a social rehabilitation facility, required to be fingerprinted at the time of their employment, are also required to sign a statement regarding prior criminal convictions, and the fingerprints are required to be submitted

to the licensing agency within 20 days of employment.

The bill would delete the requirement that employees of a social rehabilitation facility, required to be fingerprinted at the time of their employment, sign statements regarding prior criminal convictions and that the fingerprints be submitted to the licensing agency within 20 days of employment.

This bill would, in addition, enact special provisions requiring fingerprinting and a criminal record clearance of certain persons subsequent to licensure. All these persons would be required to sign a declaration under penalty of perjury regarding prior criminal convictions. Licensees would be required to terminate, remove, or bar from entering the facility any person who is found to have been convicted of specified crimes, but the Director of Social Services could subsequently grant exemptions, as provided in the bill. This bill would also provide that the director cannot, subsequent to initial licensure, grant the exemption for specified persons convicted of the same offenses as apply to an applicant for initial licensure. The bill would require community care facility licensees to endeavor to ascertain the previous employment history of persons required to be fingerprinted.

(2) Under existing law, an application for renewal of a community care facility license or special permit is required to be filed not less than 30 days prior to the expiration date each year

This bill would, instead, require that a renewal application be filed in accordance with rules and regulations adopted by the State Department of Social Services.

(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 impose a state-mandated local program by creating new crimes for violations specified in Section 1 of this bill.

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. 497 (SB 1159) Torres. Southern California Rapid Transit District.

(1) Under the Southern California Rapid Transit District Law, the district may acquire or construct transit facilities which it determines should be acquired or constructed and acquire property necessary or convenient to the exercise of its powers.

This bill would, additionally, authorize, as specified, the district to develop, jointly develop, lease, or dispose of facilities and property necessary for, incidental to, or convenient to its powers, and to contract with others in exercising those additional powers with respect to district facilities The bill would require all net income of the district from joint development of property acquired exclusively for rail rapid transit systems to be used for specified purposes. The bill would define the term "transit facilities" for these purposes.

(2) Under that law, the district is prohibited from levying taxes to pay for operating expenses or for the repair, maintenance, and depreciation of district owned or operated works

This bill would delete this prohibition.

(3) Under that law, the district is authorized to irrevocably pledge revenues from specified public agencies in connection with the payment of bonded indebtedness.

This bill would also authorize the pledge of revenues from any other individual or entity, public or private

(4) Under that law, the district is authorized to issue bonds at a rate not to exceed 6% per year, but another existing statutory provision, to be operative January 1, 1984, authorizes districts to issue bonds at a 10% interest rate

This bill would delete the specific 6% limitation and would authorize the interest rate of the district bonds to be the maximum allowed by law

(5) The bill would also make related changes and would delete obsolete provisions.

Ch. 498 (SB 813) Hart. School finance: minimum school year: employees: course requirements: apprentices: taxation.

† (1) Under current law, county superintendents of schools may apply to the State Board of Education to establish a pilot project to assist school districts to recruit and select administrative personnel

This bill would repeal those provisions, but reenact the authorization to establish pilot

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† I object to the following appropriations and language of appropriation contained in Senate Bill No 813

SEC 8.3 —Adding Section 14002 1 to the Education Code I am deleting the following language contained in Section 14002 1 of the Education Code The deleted language is shown in strike out.

"Sec 8 3 Section 14002.1 is added to the Education Code, to read

14002.1 In addition to all other funds appropriated to Section A of the State School Fund, the Controller shall for the 1983–84 fiscal year ~~and each fiscal year thereafter~~, transfer from the General Fund to Section A of the State School Fund for apportionment ~~during each fiscal year~~ such additional amounts as are necessary to meet actual computed apportionments as certified by the Superintendent of Public Instruction for the purposes set forth in Section 41301 3, provided that the total of such additional amounts transferred shall not exceed one hundred thirteen dollars and sixty-nine cents ($113 69) per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction "

The section as amended above will make the transfer to the State School Fund and the appropriation of $113 69 per pupil in average daily attendance effective in the 1983–84 fiscal year only.

Sec. 8 5 —Adding Section 14002.2 to the Education Code I eliminate this section

This section would have added Education Code Section 14002 2 making a General Fund continuing appropriation of $119.43 per pupil in average daily attendance for the 1984–85 fiscal year and each fiscal year thereafter

Sec 18.5 —Adding Section 41301.3 to the Education Code I eliminate the language contained in Subsection (c) of Section 41301 3 of the Education Code The following language is deleted

"(c) The amount transferred to Section A of the State School Fund pursuant to Sections 14002, 14002 1, and 14002.2, *and any other appropriation, in the 1984–85 fiscal year and each fiscal year thereafter shall* be expended as needed to first fund the schedule in Section 41301 and any remaining funds shall be expended according to the following schedule, but not to exceed the amounts allocated for each item according to the schedule. The amounts in the schedule are expressed as amounts per pupil in average daily attendance during the preceding fiscal year credited to all elementary, high, and unified school districts and to all county superintendents of schools in the state as certified by the Superintendent of Public Instruction.

(1) District revenue limits pursuant to Section 42238, except for the portion of the revenue limits attributable to the operation of Section 42238.2 as it read in the 1983–84 fiscal year, fifty-eight dollars and three cents ($58 03)

(2) Maintenance of cost-of-living adjustments granted for special education programs and other categorical education programs in prior fiscal years, twenty-three dollars and forty-four cents ($23 44)

(3) Instructional Materials Fund, nine dollars and nineteen cents ($9 19)

(4) Extended School Year pursuant to Section 46200, sixty dollars and thirty-nine cents ($60 39)

(5) Minimum teacher salaries pursuant to Section 45023 4, five dollars and eighty cents ($5 80)

(6) Grants to teachers pursuant to Section 44700, four dollars and thirty-five cents ($4 35)

(7) Teacher mentor program pursuant to Section 44490, seven dollars and twenty-five cents ($7 25)

(8) Summer school programs pursuant to Section 42238 6, nine dollars and sixty-six cents ($9 66)

(9) Tenth grade counseling pursuant to Section 48431 7, one dollar and forty-five cents ($1 45)

(10) School Improvement Program pursuant to Section 52048, two dollars and forty-one cents ($2.41)

(11) Necessary small school revenue limits pursuant to Section 42280, seventy-two cents ($0 72)

(12) *Urban Impact Aid for nonunified school districts pursuant to Section 54060, two dollars and seventeen* cents ($2.17)

(13) County superintendents of schools revenue limits pursuant to Section 2558, one dollar and eighty-six cents ($1 86)

(14) Year round school operation incentive pursuant to Section 42250, one dollar and eighty-one cents ($1 81)

(15) Teacher Education and Computer Centers pursuant to Article 2 (commencing with Section 44680) of Chapter 3 1 of Part 25, one dollar and twenty-one cents ($1 21)

(16) Adult education revenue limits pursuant to Section 52616, two dollars and eighty-three cents ($2.83)

(17) Opportunity schools pursuant to Section 48643, ninety-seven cents ($0 97)

(18) Academic partnership program pursuant to Section 11000, twenty-four cents ($0 24)

(19) Specialized high schools pursuant to Section 58800, forty-eight cents ($0 48)

(20) Administrator training pursuant to Section 44681, twelve cents ($0 12)

(21) Education performance incentive pursuant to Section 54680, one dollar and sixty-nine cents ($1 69)

(22) Funds to districts which lost Public Law 81-874 funds pursuant to Section 42238 3 as proposed by Senate Bill 391, if enacted, six dollars and thirty-five cents ($6 35)

(23) For the portion of district revenue limits attributable to the operation of Section 42238 2, as it read in the 1983–84 fiscal year, thirty dollars and seventy-two cents ($30 72) "

This section provides statutory allocations for the appropriations made in Education Code Sections 14002 1 and 14002 2. This section also specifies which programs will not be funded if total appropriations are insufficient to fund all of the programs specified in this and other statutory allocations The deleted language provided the statutory allocation for the 1984–85 fiscal year and each fiscal year thereafter

I have eliminated the 1984–85 statutory appropriations and allocations contained in SB 813 By establishing statutory appropriations for the cost-of-living increases and the proposed new programs, SB 813 would allow future K-12 funding levels and priorities to be established outside of the normal budgetary review process Elimination of the 1984–85 statutory appropriations will ensure that the appropriate amount of funding for K-12 education programs in 1984–85 and future years is reviewed on an annual basis

With the above deletions, I approve Senate Bill No 813

GEORGE DEUKMEJIAN, Governor

projects as part of the administrator training and evaluation program.

This bill would also authorize a consortium of school districts to establish such pilot projects. The bill would require the State Board of Education to attempt to achieve a balanced representation among urban, rural, and suburban areas throughout the state in approving these pilot projects.

(1.5) Existing law prescribes a method of determining state apportionments to each county superintendent of schools based generally on the computation of revenue limits for special schools and classes operated by the county superintendent of schools less property tax revenues received. These revenue limits are adjusted for various factors, including a specified inflation adjustment.

This bill would revise the inflation adjustment for apportionments to county superintendents of schools.

(2) Under existing law, school districts and community college districts receive reimbursement at $3.25 per hour for providing instruction to apprentices enrolled in courses pursuant to an apprentice agreement.

This bill would require that each 50-minute hour of teaching time be reimbursed at that rate. This bill would require the Superintendent of Public Instruction and the Chancellor of the California Community Colleges to annually review the amount of state funding necessary to provide the reimbursements and to include an estimate of required funds in their budgets for each fiscal year. This bill would provide that if the amounts appropriated in any fiscal year are insufficient to provide full reimbursement, the hourly rate shall be reduced on a pro rata basis so that the entire appropriation is allocated.

This bill would permit the superintendent and chancellor to mutually agree to the transfer of moneys from one section of the State School Fund to the other for purposes of those reimbursements, and would reappropriate those funds pursuant to the agreement.

This bill would specify that no charges or fees shall be required of any apprentice, or of his or her parent or guardian, for admission or attendance in any apprenticeship course or activity offered by a community college in accordance with the instructional hours requirements of an apprenticeship agreement, except as otherwise specified.

(3) Existing law provides for various joint programs to be conducted by public postsecondary educational institutions in cooperation with local school districts.

This bill would establish the California Academic Partnership Program, to be administered by the Trustees of the California State University The program would provide grants to fund projects developed by a postsecondary educational institution or a consortium of postsecondary educational institutions in cooperation with local school districts for purposes of providing specified services to at least 2 high schools and their respective feeder schools.

This bill would also establish an advisory committee, as specified The committee would be required to submit recommendations to the Chancellor of the California State University regarding certain aspects of the program.

This bill would require the California Postsecondary Education Commission to provide for a periodic evaluation of the effectiveness of the California Academic Partnership Program, and to submit a periodic report to the Legislature on the program's progress, together with recommendations for its improvement.

This bill would further require the California Postsecondary Education Commission to evaluate each project awarded a grant under the program 3 years from the date on which the grant was received If the commission determines that the project is ineffective or not cost effective, the bill would require funding for that project to be terminated, and the funds made available as a result of the termination to be reallocated for the awarding of new program grants

The provisions of this bill relating to the California Academic Partnership Program would become operative July 1, 1984.

(4) The Leroy F Greene School Building Lease-Purchase Law of 1976 prescribes a method of allocating aid for capital outlay projects to school districts

This bill would make numerous changes in that law, including authorizing the State Allocation Board to require that applicant school districts submit a 5-year capital outlay plan, and providing for the encouragement of the year-round use of facilities through the payment of an allowance per pupil enrolled in a facility used year-round in applicant school districts eligible for funding for new construction.

This bill would provide for the utilization of school facilities in adjacent school districts, and would impose a state-mandated local program by requiring school districts with available school facilities not in use to first offer to lease those facilities to adjacent school districts at fair market value This bill would require that if there is a dispute regarding the terms of the lease, the State Allocation Board would prescribe the terms of the lease and the school districts would be required to enter into the agreement.

This bill would permit the reduction of certain matching requirements when relocatable structures are purchased.

This bill would permit the joint use of parks and recreation facilities and commercial and industrial facilities by school districts and other governmental agencies.

(5) Existing law provides for state apportionments to school districts for deferred maintenance.

This bill would, notwithstanding other generally applicable provisions of law, specifically provide for the continuous appropriation of the State School Deferred Maintenance Fund.

(6) Existing law limits the use of funds which a school district derives from the lease with option to purchase of its surplus property.

This bill would permit those funds to be used for routine repair of district facilities, as defined by the State Allocation Board, for up to a 5-year period.

(7) Existing law authorizes the State Department of Education to adopt guidelines for specified programs.

This bill would require program guidelines issued by the department to be designed to serve as a model, and would specify that the guidelines shall not be prescriptive. The bill would require that all program guidelines issued by the department include written notification that the guidelines are merely exemplary, and that compliance with them is not mandatory.

This bill would require the Superintendent of Public Instruction to review all program guidelines prepared by the State Department of Education prior to issuance to local education agencies, and would require the superintendent to approve the guidelines only if specified conditions are met.

(8) Under existing law, there are no provisions establishing a Commission on School Governance and Management.

This bill would create the Commission on School Governance and Management to be comprised of designated appointees and ex officio state agency representatives, as specified, to conduct appropriate studies and to make recommendations to the Legislature and the Governor regarding, among other things, the consolidation of the statewide and regional responsibilities and functions of specified educational units, recommendations as to the size and scope of authority of school districts to improve educational management and the participation of parents and residents of the district, and recommendations as to measures necessary to eliminate duplications of activities among specified educational units and state agencies.

This bill would require the commission to prepare its initial report for submission to the Legislature and the Governor on or before October 1, 1984.

(9) Existing law authorizing the governing board of any school district to initiate and carry on any program, activity, or to otherwise act 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 are established.

This bill would require the governing board of each school district, on or before December 1, 1984, as a condition for the receipt of school apportionments, to adopt rules and regulations establishing school policies as they relate to. (1) certification that personnel assigned to evaluate teachers have demonstrated competence, as specified, (2) the establishment of district policies ensuring that each probationary certificated employee is assigned to a school within the district with assurances that his or her status as a new employee and his or her needs for training, assistance, and evaluations will be recognized by the district, and (3) the establishment of policies and procedures regarding complaints by parents or guardians about district employees. This bill would require the governing board to make an annual review of these adopted district policies.

This bill would impose a state-mandated local program by requiring school district governing boards to establish and annually review the adopted district policies, and also because the establishment of procedures regarding complaints about certificated em-

ployees would be subject to negotiation under current law relating to public school employer-employee relations

(9.5) Existing law prescribes a method of determining state apportionments to school districts based generally on the computation of district revenue limits less property tax revenues received. District revenue limits are adjusted for various factors.

This bill would repeal those provisions and would revise the computation of revenue limits and revenue limit inflation adjustments for the 1984–85 fiscal year and each fiscal year thereafter. This bill would, among other things, delete the specific revenue limit adjustment for declining enrollment commencing with the 1984–85 fiscal year, permit certain small school districts operating a necessary small school, as defined, to compute funding for that school in a specified manner, and revise the funding of summer school attendance

This bill would appropriate $113 69 in the 1983–84 fiscal year and fiscal years thereafter per unit of statewide average daily attendance and $119 45 in the 1984–85 fiscal year and fiscal years thereafter per unit of statewide average daily attendance from the General Fund to Section A of the State School Fund, and would prescribe the distribution of these amounts.

(10) Under existing law, school districts receive apportionments for home-to-school transportation of pupils, including the transportation of pupils in special education programs.

This bill would repeal those provisions and the provisions regarding transportation funding for pupils in special education programs, effective July 1, 1984. This bill would instead require the Superintendent of Public Instruction to apportion to each county superintendent and school district which received a transportation allowance in the prior fiscal year an amount based on current year expenditures and prior year allowances. This bill would require the county superintendent or school district to establish a transportation fund, consisting of transportation allowances and any other funds at the option of the county superintendent or school district, to be used exclusively for transportation.

(10.5) Existing law specifies the period for which certain credentials issued by the Commission on Teacher Credentialing, including life credentials, are valid.

Under the provisions of this bill, no new life credentials would be issued after September 1, 1985. This bill would specify that for an applicant's first clear multiple- or single-subject teaching credential, except for those applicants holding a teaching credential, other than an emergency or internship credential issued prior to that date, the period of validity would be the life of the holder, if the holder meets certain specified requirements relating to continuing professional education. This bill would provide that the holder of an invalidated clear teaching credential who has not met the continuing education requirements shall be eligible for a one-time 2-year reinstatement of the clear teaching credential, as specified.

(11) Existing law authorizes the Commission on Teacher Credentialing to approve any institution of higher education whose teacher education program meets the standards prescribed by the commission.

This bill would express the Legislature's intent that college and university faculty members who teach courses relating to teaching methods in approved professional preparation programs have direct knowledge of the way that public elementary and secondary schools function and operate. It would also require the commission, in cooperation with public and private postsecondary institutions operating teacher education programs, to develop standards and procedures which ensure that those faculty members actively participate in public elementary or secondary schools and classrooms at least once every 3 years

(12) Under existing law there are no provisions relating specifically to teacher trainees

This bill would require the Commission on Teacher Credentialing to issue teacher trainee certificates authorizing persons employed by any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, to provide classroom instruction to pupils in those grades in accordance with specified minimum qualifications

This bill would require the commission, unless it determines that substantial evidence exists that a person is unqualified to teach, upon the successful completion of 2 years of

successful service as a teacher trainee, and upon the recommendation of the employing governing board, to award credentials to teacher trainees in the same manner as applicants for credentials recommended to the commission by approved teacher training programs.

This bill would authorize the governing board of any school district maintaining grades 9 to 12, inclusive, or maintaining grades 7 and 8 in a departmentalized junior high school, to employ persons authorized by the commission as certificated teacher trainees to provide instruction to pupils in those grades as a classroom teacher. This bill would require each teacher trainee to be assisted and guided by a certificated employee of the district who has been designated as a mentor teacher.

This bill would require the governing board of the school district to certify to the commission that insufficient fully credentialed teachers are available prior to employing any person as a teacher trainee.

This bill would require the governing board of each school district employing certificated teacher trainees to develop a professional development plan for each teacher trainee, as specified.

This bill would require the governing board to classify as probationary employees persons employed as teacher trainees and persons employed in positions requiring certification qualifications in the next succeeding school year after 2 years of service as teacher trainees This bill would require the governing board to classify as a permanent employee after 3 consecutive years of service, composed of 2 years as a teacher trainee and one year as a certificated employee, any employee who is reelected to a position requiring certification qualifications for the next succeeding school year.

This bill would require the commission to study the effectiveness of the teacher trainee program and report its findings to the Legislature on or before January 1, 1987

(13) Existing law establishes school resource centers for the purpose of providing school personnel with staff development activities designed to improve instructional, human development, and counseling skills.

This bill would delete these provisions and would add new provisions establishing teacher education and computer centers in at least 15 regions of the state to provide staff development resources to teachers, administrators, school personnel, and others providing services to schools, and would set out a general statutory scheme for the control and operation of these centers.

This bill would also impose state-mandated costs by requiring county superintendents of schools to (1) participate in the establishment of these centers, (2) participate in designating a single county office of education to serve as a local education agency, and (3) by requiring the designated local education agencies to establish guidelines for the operation of the policy boards of the centers.

(14) Existing law makes extensive provisions for the designation of certificated employees as master teachers under the provisions of the Ryan Master Teacher Act.

This bill would repeal these provisions of law and would instead establish the California Mentor Teacher Program, under which school districts may designate up to 5% of the certificated classroom teachers employed by the district as mentor teachers, as specified.

This bill would establish prescribed minimum qualifications necessary for the designation of a certificated employee as a mentor teacher and would specify certain requirements and guidelines for the assignment of the duties and responsibilities of a mentor teacher.

This bill would authorize the governing board, out of funds allocated by the Superintendent of Public Instruction for that purpose, to pay each eligible mentor teacher an annual stipend of no less than $4,000, except as otherwise provided, each school year over and above the regular salary to which he or she is entitled. This bill would limit a certificated employee's designation as a mentor teacher to 3 consecutive school years, after which an individual may be reviewed and renominated

This bill would require the Superintendent of Public Instruction, on or before November 15, 1983, to recommend to the State Board of Education, and, by January 1, 1984, the State Board of Education to prescribe, rules and regulations establishing guidelines for the implementation of a mentor teacher program in each participating school district.

(15) Under existing law, the governing board of a school district is required to establish standards of expected student achievement and to evaluate and assess certificated

employee competency in relation to those standards. The evaluation and assessment must be transmitted to the employee not later than 60 days before the end of the school year.

This bill would require that the evaluation and assessment be transmitted to the employee not later than 30 days before the last scheduled schoolday of the year.

This bill would impose a state-mandated local program by revising and recasting the provisions concerning the factors on which the evaluation of employee competency is based. This bill would also permit the employing authority, as it deems necessary, to require that an employee who receives an unsatisfactory evaluation participate in a program designed to improve appropriate areas of the employee's performance and to further pupil achievement and the objectives of the employing authority

(16) Under existing law, school districts and county superintendents of schools may receive funding for operating a California leadership institute which provides to school administrators support and development activities designed to improve management or leadership skills. Funding for these programs is required to be allocated according to specified priorities.

This bill would change the name of these programs from California leadership institutes to administrator training and evaluation programs and would require that the programs be operated in conjunction with the teacher education and computer center which serves the school district or county office of education. This bill would delete the requirement in current law that to be eligible for funding, a school district or county superintendent must increase membership on the resource center policy board, as specified. This bill would also revise the funding priorities of these programs.

(17) Under existing law, school districts may operate local staff development programs, as specified.

This bill would permit school districts to award instructional improvement grants to eligible teachers This bill would require the Superintendent of Public Instruction to apportion funds appropriated in the Budget Act each fiscal year to school districts for purposes of funding these grants. The provisions of this bill relating to this grant program would become operative July 1, 1984.

This bill would permit school districts to apply to the Superintendent of Public Instruction for funding to establish experimental innovative pilot projects to, among other things, improve district efficiency and devise incentives for service in certain areas. This bill would permit the superintendent to approve a maximum of 5 pilot projects in any fiscal year, and would require the district to obtain the written consent of any collective bargaining unit affected, but would specifically provide that the decision to apply for and operate a project would not be within the scope of representation This bill would permit school districts operating these projects to obtain, with the express written consent of any collective bargaining unit affected, a waiver from the State Board of Education of certain personnel provisions. These provisions would remain in effect only until July 1, 1985.

(18) Under existing law, a person who has been employed as a probationary certificated classroom teacher for 3 consecutive school years by a school district, or by two or more school districts, having an average daily attendance of 250 or more acquires permanent employee status upon reelection for the next succeeding school year

This bill would decrease the probationary period to 2 years for probationary employees employed by districts having an average daily attendance of 250 or more whose probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and would require the school employer to notify such an employee by March 15 of the second year of the employee's probationary period of the decision to reelect or not reelect the employee for the next succeeding school year. Failure to give the required notice by the specified date would be deemed to mean the employee has been reelected

This bill would not shorten the probationary period for probationary employees whose probationary period commenced prior to the 1983–84 fiscal year.

(19) Under current law, a certificated employee who receives notice that the governing board intends to dismiss him or her for cause may demand a hearing before a Commission on Professional Competence Current law requires that discovery by the parties to the hearing be completed prior to 7 calendar days before the date upon which the hearing commences

This bill would specify that, except for the taking of oral depositions, no discovery shall

occur later than 30 days after the employee is served with a copy of the accusation. This bill would require that the decision of the Commission on Professional Competence that the employee should not be dismissed or suspended not be based on nonsubstantive, nonprejudicial procedural errors.

(20) Existing law prohibits the governing board of any school district from acting upon any charges of unprofessional conduct unless during the preceding term or half school year prior to the date of the filing of the charge, and at least 90 days prior to the filing date, the employee so charged has been given written notice of the unprofessional conduct, as specified.

This bill would eliminate the requirement that notice have been served during the preceding term or half school year prior to the date of the filing of the charge, and would change the notification deadline from 90 days prior to the filing date to 45 calendar days before that date

This bill would prohibit the governing board from acting upon any charges of incompetency unless one of two specified notification procedures has been followed.

This bill would permit school districts to impose, in cases of unprofessional conduct, the sanction of suspension for a specific period of time without pay, subject to the same procedures as dismissal for cause. This authorization would apply only to permanent employees and to probationary employees of school districts with an average daily attendance of less than 250 pupils. However, this authorization would not apply to any school district which has adopted a collective bargaining agreement which permits disciplinary action short of dismissal This bill would require the Office of Administrative Hearings and the Public Employees' Relations Board to report to the Legislature by July 1, 1985, regarding the suspension of permanent certificated employees.

This bill would establish streamlined procedures for dismissal of probationary employees during the first 2 school years of service which would apply only to probationary employees whose probationary period commenced during the 1983–84 fiscal year or any fiscal year thereafter, and who are employed in a district having an average daily attendance of 250 or more.

(21) Under existing law, certificated employees have certain rights, based on seniority, protecting them against termination and allowing them a preferred right of reappointment if terminated.

This bill would permit school districts to terminate certificated employees due to curriculum modification resulting from the amendment of state law.

This bill would revise the rights of terminated certificated employees to permit the governing board to deviate from the seniority system under certain circumstances. This bill would also shorten the notice period for layoff of specified administrative employees.

This bill would prohibit a school district from reappointing a terminated employee to teach a subject which he or she has not previously taught, for which he or she does not have a credential, or which is not within the employee's major area of postsecondary study, unless the employee passes a subject matter competency test in the appropriate subject.

For any certificated employee employed in an administrative position whose period of employment in that position commenced on or after July 1, 1983, this bill would generally exclude the period of employment in the administrative position from determinations of seniority for purposes of determining order of layoff or reappointment rights. The bill would create an exception to this general rule for a certificated employee who transfers from a teaching position to an administrative position at a school site, in which case the first 3 years of employment in that administrative position would be included in determining seniority. Certificated employees employed in an administrative position whose period of employment in that position commenced prior to July 1, 1983, would not be affected by these changes in the law pertaining to seniority determinations.

(21 5) Under existing law, school districts are required to notify, by May 15, certificated employees of the decision to terminate their services effective the following school year, or the employee is deemed reemployed for the following school year.

This bill would also permit the governing board of a school district to terminate the services of certificated employees during the time period between 5 days after the enactment of the Budget Act and August 15 of the fiscal year to which the Budget Act applies, according to a schedule of notice and hearing adopted by the governing board.

(21.6) Under existing law, a school district is required to offer first opportunity for substitute service during a specified time period to permanent certificated employees who have been laid off. These employees receive the same compensation for substitute service as they would if reappointed.

This bill would require the district to pay that level of compensation for substitute service only to laid-off permanent certificated employees who serve as a substitute any 21 or more days during a period of 90 days

(22) Existing law requires that school districts classify each certificated employee, with certain specified exceptions, on the salary schedule on the basis of uniform allowance for years of training and experience.

This bill would permit school districts, in the 1983–84, 1984–85, or 1985–86 fiscal year, to increase the lowest salaries on the salary schedule for certificated employees meeting specified criteria to the amount of the lowest salary for those employees increased by 10%, up to a specified maximum, and would provide for state reimbursement of these costs This new authorization would impose state-mandated costs as its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(23) Existing law provides that school district employees in positions not requiring certification qualifications are members of the classified service, except as otherwise provided

This bill would permit the governing board of a school district to adopt a resolution designating certain classified employees having significant responsibilities for formulating district policies or administering district programs, or employees who act as the fiscal advisor to the district superintendent, as the senior management of the classified service and exempting them from the classified service. This bill would specify that this new authorization would not be subject to negotiation, notwithstanding existing law relating to public school employer-employee relations

(24) Under current law, the minimum schoolday in junior high and high schools is 240 minutes, except as otherwise specified. The minimum school day is computed in a specified manner using the average of a 10-day period.

This bill would revise that computation to permit only the average of a 2-day period

Under current law, a school district governing board may permit a 12th-grade student meeting certain criteria to attend school for less than 240 minutes each day.

This bill would repeal these provisions and would impose a state-mandated local program by requiring 12th-grade pupils, with certain exceptions, to be enrolled in at least 5 courses each semester, or the equivalent number of courses per quarter.

(25) Under current law, the minimum school day for pupils enrolled in an approved work experience program is 180 minutes. Current law also permits certain pupils in grade 12 enrolled in an approved work experience program to attend school for less than 180 minutes each day, although the attendance of those pupils is deemed a full 180-minute day for apportionment purposes

This bill would require that pupils enrolled in an approved work experience program attend, as part of the program, at least one hour per week of classroom instruction or counseling in order for their attendance to be counted for purposes of apportionments. This bill would require that the attendance of pupils in grade 12 enrolled in an approved work experience program for less than 180 minutes per day be counted on a fractional basis for apportionment purposes

(26) Current statutory provisions require the governing board of each school district to fix the length of the schoolday for the several grades and classes of the schools maintained by the district, and to establish certain maximum and minimum schooldays for the various grade levels.

This bill would provide financial incentives for school districts to increase the length of the schoolday and school year by requiring the Superintendent of Public Instruction to apportion specified amounts to each school district which offers at least 180 days of instruction in the 1984–85 fiscal year and thereafter, and to each school district which offers at least a specified amount of instructional time in the 1984–85, 1985–86, and 1986–87 fiscal years and thereafter The bill would specify that these apportionments shall supplement, and not supplant, apportionments received pursuant to any other provision of law

The bill would also require the Superintendent of Public Instruction to withhold any

increase in revenue limit funding computed for a school district over the amount of such funding received for the prior fiscal year whenever the governing board of the district reduces instructional time below the level fixed for the 1982–83 fiscal year.

(27) Under existing law, the governing board of each district is required to establish standards of expected pupil achievement at each grade level.

This bill would impose state-mandated costs by additionally requiring governing boards and county superintendents of schools to adopt policies regarding pupil promotion and retention and by requiring that pupils be promoted or retained only as provided in those policies.

(28) Existing law requires governing boards of school districts maintaining continuation education classes to provide for an independent study of the effectiveness of the program and to file a copy of the report with the State Department of Education.

This bill would impose a state-mandated local program by requiring, instead, that these governing boards evaluate the program and annually report their findings to the Superintendent of Public Instruction and would specify the content of the evaluation and various other procedures associated therewith.

This bill would add various continuation education provisions regarding the apportionment of state and federal funds, and the reporting of expenditure and income.

(29) Existing law requires the governing board of each high school district to establish a guidance program for all minors subject to compulsory continuation education.

This bill would require the governing board of each district maintaining high schools and accepting funds for purposes of this program to establish and maintain a program which ensures that each pupil, upon reaching 16 years of age or prior to the end of the 10th grade, whichever occurs first, has received an individualized academic review and counseling regarding the pupil's educational options, as specified.

This bill would require the Superintendent of Public Instruction to apportion a specified amount from funds appropriated for purposes of the review and counseling services to each district which has adopted a program providing those services.

(30) Existing law provides for the establishment of opportunity schools, classes, or programs for pupils who have, or are in danger of developing, certain disciplinary problems, to provide those pupils with an opportunity to resolve their problems so that they may return to regular schools or classes as soon as practicable.

Beginning with the 1983–84 fiscal year and each fiscal year thereafter, this bill would require the Superintendent of Public Instruction to allocate on a priority basis to eligible applicant school districts meeting specified conditions a maximum amount of $400 per pupil for each additional pupil enrolled in the opportunity classes or programs maintained by the district for grades 7 to 9, inclusive, over the number of pupils so enrolled in the 1982–83 fiscal year in order to provide reimbursement for those costs of increasing the availability of such classes or programs which are not otherwise reimbursed in the regular apportionment to the school district.

(31) Existing law defines a truant and establishes a statutory scheme relating to truancy.

This bill would impose state-mandated costs by requiring school districts to notify and inform the pupil's parent or guardian of specified information, upon a pupil's initial classification as a truant

(32) Under current law, the governing board of each school district is required to prescribe regulations regarding the evaluation of pupil achievement.

This bill would permit a governing board to adopt regulations, as provided, which authorize a teacher to fail a pupil whose unexcused absences from class equal or exceed a maximum number specified by the board.

(33) Existing law prescribes the causes for which pupils may be suspended or expelled from a school. Existing law requires the governing board of each school district to comply with the requirements of existing law governing the suspension or expulsion of pupils including, where appropriate, the furnishing of notice of disciplinary action, the holding of a hearing to be conducted in accordance with specified procedures, and the submission of a request for an appeal from a governing board's decision to expel a pupil before the county board of education.

This bill would repeal and reorganize the provisions of existing law governing the suspension and expulsion of pupils.

This bill would include, among the causes for the suspension or expulsion of pupils,

unlawfully offering, arranging, or negotiating to sell any drug paraphernalia, and disrupting school activities or defying the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

This bill would limit, except as specified, the total number of days for which a pupil may be suspended from school to 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of days for which the pupil may be suspended in any school year would be 30 schooldays.

This bill would authorize the county superintendent of schools to suspend pupils for specified acts in accordance with prescribed procedures. This bill would require a school employee, at the time of the suspension of a pupil, to make a reasonable effort to contact the pupil's parent or guardian in person or by telephone.

This bill would authorize the governing board to suspend a pupil enrolled in a continuation school or class for a period not longer than the remainder of the semester in which the acts constituting grounds for suspension occurred.

This bill would require that in a matter involving a pupil with previously identified exceptional needs, the governing board may order the pupil expelled pursuant to specified provisions only if the board also finds, based upon a determination by an individualized education program planning team, that the misconduct was not caused by the pupil's identified handicap or by an inappropriate placement, except where the principal or superintendent determines the pupil committed certain specified acts or that the presence of the pupil causes a danger to persons or property or threatens to disrupt the instructional process. This bill would require an expulsion order to remain in effect until such time as the governing board may, in a specified manner, order the readmission of the pupil. This bill would require the governing board at the time the expulsion of a pupil is ordered, to specify a date at which the pupil would be authorized to apply for readmission in accordance with the rules and regulations adopted by the governing board for this purpose.

This bill would authorize the governing board, upon voting to expel a pupil, to suspend the enforcement of the expulsion order for a period of not more than one calendar year and to require, as a condition of the suspension of enforcement, the pupil to attend a school, class, or program which is deemed appropriate for the pupil's rehabilitation. This bill would prescribe procedures for the revocation of the suspension of an expulsion order and reinstatement upon completion of the required rehabilitation program.

This bill would require the governing board to adopt rules and regulations for the expulsion of pupils, as specified.

This bill would prescribe procedures for the submission of an appeal of a governing board's expulsion order to the county board of education and would prescribe the appropriate standard of review to be applied at a hearing conducted by the county board to review the governing board's decision

(34) Under existing law, school districts may award a diploma of graduation from high school only to those pupils who have completed a prescribed course of study, which includes specified course requirements.

This bill would impose a state-mandated local program by increasing those requirements, effective the 1986–87 school year, and by requiring that school districts offer to otherwise qualified pupils in grades 7 through 12 a course of study fulfilling the requirements and prerequisites for admission to California public universities and a course of study which provides an opportunity for those pupils to attain entry level employment skills in business or industry upon graduation from high school

This bill would impose a state-mandated local program by requiring the governing board of each elementary school district to certify annually to the Superintendent of Public Instruction that it has adopted a policy to implement a course of instruction which sufficiently prepares its pupils for the course of study required for high school graduation.

This bill would require the Superintendent of Public Instruction to coordinate the development, on a cyclical basis, of model curriculum standards for the required course of study and to seek the advice of teachers, parents, administrators, representatives of business and industry, and postsecondary educators in developing these standards. This

bill would require the superintendent to recommend policies for consideration and adoption by the State Board of Education, but would prohibit the superintendent and the board from adopting rules or regulations for course content or methods of instruction.

This bill would require the State Board of Education, in consultation with the Superintendent of Public Instruction, to approve a model course of study in computer education for pupils in kindergarten and grades 1 through 12, and to submit its course of study to the Legislature by July 1, 1984.

(35) Existing law provides for a school improvement program and prescribes a schedule of allowances for pupils enrolled in specified grade levels.

This bill would generally provide an allowance of $100 per pupil per year. The bill would also permit districts which receive a larger allowance to continue to receive the greater amount, but without receiving increases which would otherwise apply.

(36) Existing law authorizes the county superintendent of schools for one or more counties and the governing boards of one or more school districts to establish and maintain regional occupational centers and programs, as specified, for the provision of vocational training and education programs.

This bill would require each regional occupational center or program to assign the highest priority in services to youth from the age of 16 to 18 years, inclusive.

This bill would impose a state-mandated local program by requiring the governing board of each school district maintaining a high school to annually review and assess the participation of pupils in grades 11 and 12 in regional occupational centers and programs and to prepare a plan to increase the participation of these pupils, as specified.

This bill would require the Superintendent of Public Instruction in the 1983–84 fiscal year to allocate up to a minimum of 70% of the growth funds appropriated in the Budget Act of 1983 for purposes of funding the growth in average daily attendance in regional occupational centers and programs for high school age youth. This bill would require that the allocation of these funds be restricted to those regional occupational centers or programs which increase the number or percentage of youth of the age 16 to 18 years, inclusive, served between the 1982–83 and 1983–84 fiscal years, unless the Superintendent of Public Instruction grants a waiver of this requirement. This bill would require the superintendent to report to the Legislature by July 1, 1984, regarding the number of waivers granted.

(37) 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 substantive law relating to those programs

This bill would authorize the reduction, to a specified level, of certain limitations imposed upon the inclusion of funds allocated for programs for educationally disadvantaged children in a school-based program coordination, to the extent permitted by federal law.

(38) Under existing law, school districts may operate agricultural vocational education programs.

This bill would establish a grant program for the purchase or lease of agricultural vocational education equipment, as defined, by school districts which operate agricultural vocational education programs. This bill would require school districts to contribute district funds in the amount of the grant for the purchase or lease of agricultural vocational education equipment. This bill would require the Superintendent of Public Instruction to administer the grant program and to report to the Legislature by September 30, 1984, regarding the grant program.

(39) Under existing law, the Superintendent of Public Instruction is required to compute an adult education block entitlement for school districts which maintain education programs for adults.

This bill would revise the computation of that entitlement.

(40) Existing law provides for economic impact aid to be allowed according to a specified formula.

This bill would require school districts which allocated economic impact aid funds to secondary schools in the 1982–83 fiscal year to continue to so allocate the fund in subsequent fiscal years

This bill would also authorize the Superintendent of Public Instruction to waive

provisions regarding the use of economic impact aid funds if the waivers will improve pupil services.

(40.5) Existing law provides for an increase in funding of special education programs at the rate of the statewide average percentage inflation adjustment computed for revenue limits of unified school districts with greater than 1,500 units of average daily attendance.

This bill would provide for an increase of 8% in the 1983–84 fiscal year and, in the 1984–85 fiscal year and thereafter, an increase at the rate of the statewide average percentage inflation adjustment computed for revenue limits of school districts.

(41) Existing law provides in each fiscal year for the so-called urban impact aid to unified school districts which, among other things, had more than 12,022 units of average daily attendance in fiscal year 1975–76.

This bill would, for the purposes of the urban impact aid, specify that high school districts and their feeder elementary school districts shall be considered unified school districts.

(42) This bill would also provide for specialized program high schools for high technology, the performing arts, and other special curricular areas.

(43) Existing law provides funds and procedures for the purchase of instructional materials by school districts

This bill would require the Superintendent of Public Instruction to annually apportion $21.18 per pupil for the purchase of instructional materials.

This bill would increase the annual apportionment for the purchase of instructional materials for pupils enrolled in grades 9 through 12 by $14.41 per pupil.

(44) Existing law requires the State Board of Education to require a testing program in all school districts, to adopt regulations for the conduct and administration of the testing program, and to develop a testing method that will obtain an accurate estimate of statewide performance, school district performance, and school performance of pupils in grades 6 and 12 in basic skills courses.

This bill would require the State Board of Education to develop a testing method to assess performance in content courses, as well as basic skills courses, and would require all pupils in grades 3, 8 and 10, in addition to those in grades 6 and 12, to be tested for achievement. The bill would specify that the board shall implement the testing program for grade 10 and the expansion of the testing program to include the annual administration of tests in content courses to the extent that funding is made available for those purposes.

This bill would establish the Education Improvement Incentive Program, which would provide incentive funding to each voluntarily participating school district maintaining schools which have demonstrated an improved performance as measured by an increase in the school's composite rating derived, as specified, from the school's score on the tests administered pursuant to the required testing program.

The bill would specify that the program shall apply only to public high schools.

The bill would require the regulations adopted by the State Board of Education for the conduct and administration of the testing program to include certain requirements regarding the proctoring of tests administered as part of the testing program.

The bill would specify that the State Board of Education shall ensure that the testing method it develops pursuant to the existing statutory requirements will provide sufficient data to reliably determine the composite rating of the performance of high schools of a certain size for purposes of the Education Improvement Incentive Program

(45) Under existing law, there are no provisions relating to an honors examination.

This bill would establish the Golden State Examination Program for the purpose of administering examinations to high school pupils to measure pupil achievement under standards of competency established by the Superintendent of Public Instruction and for the purpose of providing a special honors designation and insignia on a high school diploma for qualifying pupils. This bill would specify that participation in the program is voluntary on the part of school districts maintaining a high school and on the part of pupils.

This bill would require the superintendent, on or before March 15, 1985, to prepare, in cooperation with representatives from institutions of higher education, school districts, and certificated personnel, examinations in designated academic subject matter areas

This bill would require the superintendent to adopt rules and regulations establishing procedures for the administration and assessment of the Golden State Examination. This bill would require the adopted rules and regulations to require participating school districts to notify pupils of the opportunity to take the examination, and to administer the examination in accordance with the procedures established by the superintendent. This bill would require participating school districts to confer the appropriate honors designation and insignia on the high school diplomas of students with qualifying scores established by the superintendent on 1 or more academic subject matter examinations. This bill would require the superintendent to prepare an annual report of the examination results, as specified

(46) Under existing law, the Legislature is required to conduct a comprehensive study of certain education programs. These programs, as presently maintained, terminate on various specified dates, unless the Legislature enacts legislation providing otherwise. If the Legislature does not enact such legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative Adult education is one of these educational programs subject to review and is to terminate on June 30, 1983.

This bill would postpone termination of the adult education program until June 30, 1986, and would extend indefinitely the operation of driver training programs, environmental education programs, career guidance centers, and transportation programs.

(47) Under current law, school districts receive apportionments for various categorical programs

This bill would require that each school district which receives any apportionment for specified categorical programs in any fiscal year shall budget and expend no less than 85% of that apportionment at school sites for direct services to pupils. This bill would require the State Department of Education to revise the State School Accounting Manual by March 1, 1984, to reflect the proper classification and accounting of apportionments for those programs

(48) Existing provisions of the Education Code establish various student financial aid programs

This bill would establish the California Teacher Shortage Loan Assumption Program with the intent of increasing the number and quality of teachers in the state's secondary schools in the fields of mathematics, science, and other subject matter areas with a shortage of teachers. Under the program, the Student Aid Commission would assume specified dollar amounts of program participants' outstanding federal Guaranteed Student Loan Program, National Direct Student Loan Program, or other loan liabilities for each school year of teaching service completed by the participant in a school district identified by the Superintendent of Public Instruction as having a shortage of teachers in the fields of mathematics, science, and other subject matter areas with a shortage of teachers. However, should the program participant fail to complete a minimum of 3 consecutive school years of teaching service for reasons not due to natural causes, the participant would be required to assume full liability for the loan obligations.

(49) Existing law regulates public school employer-employee relations and prescribes the scope of representation.

This bill would impose a state-mandated local program by requiring the public school employer and the exclusive representative to meet and negotiate, at the request of either party, regarding the payment of additional compensation on the basis of criteria other than years of training and experience. If mutual agreement is not reached, the bill would require the application of provisions requiring compensation according to classification on a salary schedule on the basis of training and years of experience.

(50) This bill would require that, notwithstanding any other provision of law, the Los Alamitos Unified School District compute its revenue limit for the 1983–84 school year as if additional pupils who attended school or resided in the Seal Beach Elementary School District in the 1982–83 school year had attended school in the Los Alamitos Unified School District.

(51) This bill would require the State Department of Education to conduct a specified study regarding an automated school facilities inventory, and a study regarding the appropriateness of existing architectural standards applicable to school facilities and the type of building materials used for those facilities The bill would require both studies to be completed by March 1, 1984

(52) Existing law establishes the Elementary and Secondary School Dropout Prevention Act of 1969 and declares the Legislature's intention that programs be established to reduce the number of children who do not complete their elementary and secondary education and that all district, state, and federal dropout programs be integrated and coordinated with the programs created by this act.

This bill would require the Superintendent of Public Instruction to submit a report to the Budget Committee on or before November 15, 1983, regarding the feasibility of conducting a study to identify the characteristics of students who drop out of school prior to high school graduation, and the costs of requiring continuation schools to increase their data collection regarding those students. The bill would specify certain optional parameters to include in the study. The bill would then require the Joint Legislative Budget Committee to determine the appropriate level of funding, if any, for the study.

(53) This bill would require the Superintendent of Public Instruction, on or before November 15, 1983, to submit a report to the Joint Legislative Budget Committee regarding the feasibility of conducting a study which may include an analysis of the current high school accreditation process administered by private accreditation associations, as specified, and the superintendent's recommendations as to any revisions in this process, as specified. The bill would then require the committee to determine the appropriate level of funding, if any, for the study regarding accreditation.

(54) This bill would require the State Board of Education and the Superintendent of Public Instruction to review regulations regarding reclassification of pupils of limited English proficiency.

(55) This bill would appropriate to the Superintendent of Public Instruction for apportionment to the state special schools an amount not to exceed $250,000, from the amount saved by the state pursuant to a specified enactment, to be used exclusively for the purpose of paying the additional costs to those schools resulting from the enactment of specified legislation requiring the schools to provide unemployment insurance benefits to nonprofessional employees.

(56) Under existing law, real property subject to property taxation is generally assessed according to its full cash value as of the lien date, which is March 1 preceding the fiscal year for which the taxes are levied.

This bill would require a county, commencing with the 1983–84 assessment year, to prepare supplemental assessment rolls and collect supplemental taxes and pay refunds in a specified manner for real property which has been purchased or changes ownership or on which new construction is completed on or after July 1, 1983, and thereafter after the lien date

This bill would require that for the 1983–84 and the 1984–85 fiscal years all revenues generated from increased assessments on the supplemental rolls be allocated to school districts within each county by the county auditor, thereby imposing a state-mandated local program on county officials.

(57) Existing law provides for the reduction of certain amounts of state financial assistance to counties, cities, special districts, and school entities in certain circumstances

This bill would suspend the operation of these provisions for the 1984–85 fiscal year and each fiscal year thereafter for school entities.

(58) The Tax Equity and Fiscal Responsibility Act of 1982 (Public Law 97-248) enacted by Congress made various changes in the federal income tax provisions.

This bill would revise various specified provisions of, and add various provisions to, the Personal Income Tax Law and the Bank and Corporation Tax Law to conform them, in part, to certain changes in the federal law, including, among other things, the deductibility of medical expenses and casualty losses, made by the Tax Equity and Fiscal Responsibility Act of 1982.

This bill would also make various technical changes to the state tax laws to conform them, in part, to certain changes in the federal law made by other federal enactments.

AB 36 of the 1983–84 Regular Session would substantially revise the Personal Income Tax Law by repealing and amending various sections of the Revenue and Taxation Code and by making reference, with specified exceptions, to various provisions of the Internal Revenue Code of 1954 in effect as of a specified date to conform them, in part, to the federal income tax.

This bill would change the specified effective date of those referenced Internal Reve-

nue Code sections.

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

(60) 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

(61) This bill would require that ACA 44 of the 1983-84 Regular Session if adopted by the Legislature be placed on the ballot at the first regular or statewide election on or after June 5, 1984

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

Ch 499 (AB 2142) Tucker. Radiologic technologists.

(1) Under existing law, a radiologic technologist is not authorized to perform venipuncture or arterial puncture.

This bill would permit a radiologic technician, who is certified or granted a permit by the State Department of Health Services, to assist a licensed physician and surgeon in completing an injection to administer contrast materials after an authorized person has performed venipuncture or arterial puncture if the radiologic technologist is under the direct supervision, as defined, of a licensed physician and surgeon. A willful violation of the above requirements would be a misdemeanor and the bill therefore imposes a state-mandated local program.

(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 500 (AB 1799) Statham Mental health: personnel.

Existing law requires the Director of Mental Health to establish standards, by regulation, of education and experience for professional, administrative, and technical personnel employed in mental health services, and for the organization and operation of mental health services. Under current law, regulations pertaining to the director of local mental health services, where the local director is other than the local health officer or medical administrator of the county hospitals, require that the director be a psychiatrist, psychologist, clinical social worker, marriage, family and child counselor, or hospital administrator who meets standards of education and experience established by the Director of Mental Health.

This bill would also permit registered nurses to be the director of local mental health services in the circumstances specified above if the standards of education and experience are met. This bill would also prohibit the state or a county from adopting regulations, and a local mental health program or contract agency from implementing procedures, which prohibit registered nurses from employment in a local mental health program in any professional, administrative, or technical position in mental health services, provided any service delivery functions are performed within the scope of the registered nurse's license

This bill would also make technical nonsubstantive corrections.

Ch 501 (AB 1063) Hughes. Special education programs: teacher credentialing.

Under existing law, a fee is charged for a preliminary resource specialist certificate of competence and for a clear resource specialist certificate of competence.

This bill would provide that a person who held a preliminary resource specialist certificate of competence on January 28, 1982, and who met specified criteria, may be

issued a clear resource specialist certificate of competence without any additional fee.

The bill would take effect immediately as an urgency statute.

Ch. 502 (AB 974) Tucker. Health planning: exemptions.

Under existing law, projects for the remodeling or replacement of a health facility licensed on or before September 9, 1976, or for replacement of equipment or services of such a health facility, are exempt from the requirement of obtaining a certificate of need from the Office of Statewide Health Planning and Development if the project meets specified criteria. This exemption expires July 1, 1986.

This bill would extend the exemption indefinitely and would additionally make the exemption applicable to projects for the remodeling or replacement of any health facility or for replacement of the equipment or services of any health facility that is licensed after September 9, 1976.

Ch. 503 (AB 874) Allen. Mobilehome parks.

Existing law requires that the rules and regulations of a mobilehome park be in writing.

This bill would require the hours of operation of common area facilities to be posted at the facility and would require those facilities to be open or available to the residents at all reasonable times.

Existing law provides that the management of a mobilehome park shall permit homeowners or occupants to have meetings in any of the park community or recreation halls, as specified, relating to mobilehome living and affairs.

This bill would change the nature of such permissible meetings to those relating to mobilehome living or social or educational purposes.

This bill would incorporate additional changes in Section 798.50 of the Civil Code, proposed by AB 1052 to be operative only if AB 1052 and this bill are both chaptered, effective January 1, 1984, and this bill is chaptered last.

Ch. 504 (AB 1875) Seastrand. Municipal courts: San Luis Obispo County.

(1) Under existing law, at the direction of the court, a traffic referee may perform his or her duties at specified municipal court facilities in San Luis Obispo County.

This bill would provide that, at the direction of the presiding judge, a traffic referee or juvenile court hearing officer may perform his or her duties at such facilities.

(2) Under existing law, a judge of the municipal court is reimbursed for necessary travel at 10¢ per mile.

This bill would provide that municipal court judges in San Luis Obispo County be reimbursed for necessary travel in accordance with the county travel policy, creating a state-mandated local program.

(3) Existing law specifies the number, compensation, classification, and duties of municipal court personnel in San Luis Obispo County.

This bill would revise the number, compensation, classification, and duties of municipal court personnel in San Luis Obispo. The bill would also require reimbursement of judges of the municipal court for traveling expenses, as specified. These changes would constitute a state-mandated local program.

(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. 505 (AB 163) Goggin. Building standards.

(1) The California Administrative Code sets forth the energy budget requirements, adopted by the State Energy Resources Conservation and Development Commission, for heating and cooling of residential buildings.

This bill would provide for various described methods of meeting those requirements. The bill would require the commission to report thereon to the Legislature by July 1, 1986.

(2) The bill would prohibit the commission from requiring outside combustion air for fireplaces that are not located near an exterior wall for residential buildings in defined climate zones.

(3) The above provisions of the bill would be repealed on January 1, 1987.

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

Ch. 506 (AB 1137) Floyd. Air pollution: permit systems.

(1) Under existing law, every air pollution control district and air quality management district is authorized to establish a permit system to regulate articles, machines, equipment, or other contrivances which may cause the issuance of air contaminants

This bill would impose a state-mandated local program by requiring that the permit system provide for the reissuance or transfer of a permit to new owners or operators of articles, machines, equipment, or contrivances under specified conditions. It would prohibit a change of ownership or operation alone from being a basis for requiring more stringent emission controls or operating conditions.

(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. 507 (AB 1258) Tucker. State and school members of PERS: employer contribution rates

The Public Employees' Retirement Law presently prescribes the state and school employers' rates of contribution to the Public Employees' Retirement Fund and requires the Board of Administration, pursuant to actuarial valuations, to adjust those rates from time to time.

This bill would: change references in those provisions from the retirement fund to the Public Employees' Retirement Fund; fix the state's rates of contribution for certain categories of state members for fiscal year 1983–84, which are, under existing law, appropriated monthly; and delete provisions prescribing school employers' rates of contribution for fiscal year 1983–84 and thereafter.

This bill would take effect immediately as an urgency statute

Ch. 508 (AB 954) Kelley. Department of Food and Agriculture Fund.

(1) Under existing law, on and after July 1, 1983, no money in any fund, which, by any statute other than a Budget Act, is continuously appropriated without regard to fiscal years, may be encumbered unless the Legislature, by statute, specifies that the money in the fund is appropriated for encumberance. Existing law established the Department of Food and Agriculture Fund prior to July 1, 1983, as a continuously appropriated fund, and it thus comes within the aforementioned restriction

This bill would exempt specified funds in the Department of Food and Agriculture Fund from the restriction on continuously appropriated funds, thus permitting these funds to be expended, and thereby making an appropriation.

(2) Existing law requires state agencies to submit their proposed budgets to the Department of Finance, as specified. Certain funds in the Department of Food and Agriculture Fund are exempt from these requirements.

This bill would exempt additional funds deposited in the Department of Food and Agriculture Fund for specified programs from the budgetary requirements.

Ch. 509 (AB 1091) Agnos. Retirement of legislators.

Under existing law, the Secretary of State is required to notifying the Members of the Legislature of their right to elect membership in the Legislator's Retirement System.

This bill would eliminate the requirement that the Secretary of State so notify the members.

Ch. 510 (AB 2147) McClintock Public contracts

(1) Under existing law, port districts and river port districts are required to let all new construction or supply contracts exceeding $10,000, and maintenance and improvement

contracts exceeding $5,000, by competitive bidding.

This bill would transfer these and related provisions from the Harbors and Navigation Code to the Public Contract Code and would increase to $10,000 the amount to be exceeded before a contract for maintenance and improvement would be required to be let by competitive bidding. The bill would increase to $25,000 the amount to be exceeded before a contract for supplies, equipment, or materials would be required to be let by competitive bidding.

The bill would, in addition, authorize the board of port commissioners of a port district, in case of any great public calamity, to adopt a resolution by a ⅘ vote declaring and determining that the public interest and necessity demand the immediate expenditure of public money, and to thereupon proceed to expend any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice.

(2) Existing law contains detailed provisions regulating boards of supervisors in contracting for the repair or remodeling of county buildings.

This bill would authorize a board of supervisors to award annual contracts which do not exceed $1,000,000 for repair, remodeling or other repetitive work, to be done according to unit prices, as specified.

Ch. 511 (AB 262) Cortese. Letters and correspondence of state agencies.

Existing law provides that communications with the public of certain public entities shall include the address and telephone number of the entity, as specified, to which inquiry regarding the communication may be made.

This bill would require that every letter to any person from a state agency shall be signed by, or contain the name of, the writer or other specified persons. It would require that computer-generated letters contain a telephone number and an address of a contact person.

Ch. 512 (AB 1371) Klehs. Transit districts: Alameda-Contra Costa.

Existing law provides that the Alameda-Contra Costa Transit District elections are to be conducted in accordance with the Transit District Law.

Existing law further provides for a Uniform District Election Law which applies to all districts and agencies whose principal act so provides.

This bill would require, with the exception of the Transit District Law provision that requires 50 signatures on a director's nomination papers, that the Alameda-Contra Costa Transit District elections be conducted in accordance with the Uniform District Election Law.

This bill would further provide that any costs incurred by county officials shall be paid by the transit district.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 513 (AB 1493) Bergeson Special part-time students

Existing law authorizes the governing board of a school district to determine which students would benefit from advanced scholastic or vocational work and, upon recommendation of the principal of the school, and with parental consent, to permit these students to attend a community college as special part-time students.

Existing law does not require these students to attend school for the minimum schoolday.

This bill generally requires these students to attend school for the minimum schoolday but would allow an exception to the minimum schoolday requirement if the governing board of the school district finds that it is in the best interests of the student.

This bill would also make technical and clarifying changes.

Ch. 514 (AB 96) Moore Alcoholic beverages.

Existing law provides that every person who commits any of specified acts is guilty

of disorderly conduct, a misdemeanor.

This bill would authorize a city, county, or city and county by ordinance to provide, in addition, that no person who has in his or her possession an opened alcoholic beverage container, as specified, shall enter, be or remain on the posted premises, as defined, which includes a posted parking lot, except a private residential parking lot, or any public sidewalk immediately adjacent to, any posted premises licensed with a retail package off-sale alcoholic beverage license. Any person violating any provision of such an ordinance would be guilty of an infraction. The bill would additionally provide that its provisions shall not affect the power of a county or city, or city and county, to regulate the possession of an opened alcoholic beverage in any public place or in a place opened to the public.

The bill would take effect immediately as an urgency statute.

Ch. 515 (AB 179) Moore. Grocery stores: public restroom facilities.

(1) Existing law does not require retail grocery stores to maintain public restrooms for their patrons, guests, or invitees.

This bill would require grocery stores, as defined, as to which construction is commenced on or after July 1, 1984, to provide toilet facilities and handwashing facilities for their patrons, guests, and invitees, as specified.

(2) Existing law provides for enforcement and misdemeanor provisions relating to retail food production and marketing establishments.

This bill would extend those provisions to include the provisions relating to grocery stores contained in this bill. However, violation of the requirements of the bill would be a misdemeanor or an infraction, 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.

This bill would impose a state-mandated local program by creating a new crime.

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

Ch. 516 (AB 1575) Young Auctions

Existing law provides for the licensing and regulation of auctioneers and auction houses or companies, as specified. The law provides for the exemption of certain auctions from these requirements.

This bill would, in addition, exempt an auction conducted by mini-storage warehouses.

Existing law requires any person applying for a license as an auctioneer to, among other things, show proof that the applicant holds a resale permit issued by the State Board of Equalization.

This bill would, instead, require the applicant to show proof that he or she, or his or her employer, is the holder of a sellers permit issued by that board if applicable. The bill would also require an applicant to submit two photographs at the time of application.

Existing law provides for the issuance of an auctioneers license to any person who has held an auctioneer license issued by any city or county in this state for at least 3 of the last 5 years

This bill would, in addition, provide for the issuance of a license, without examination, to any person who shows proof of having been engaged in the business of auctioneering for at least 3 of the last 5 years.

Existing law requires every person applying for an auctioneer or an auction house license to file a bond, as specified, and provides that a surety on a bond may cancel that bond only after 90 days from the date of notice to the board of governors of the California Auctioneering Commission.

This bill would change that date to 30 days from the date of notice.

Existing law authorizes the board of governors to charge a fee of $5 as the cost of certified copies of licenses and requires a person seeking an initial license to pay a nonrefundable examination fee.

This bill would require the board to charge the fee for certified copies and would increase the fee to $10 The bill would also require an initial license applicant to pay an

additional nonrefundable application fee.

Existing law provides that all money in the Auctioneer Commission Fund is continuously appropriated to the board of governors to carry out the Auctioneer and Auction Licensing Act.

The fees provided in this bill would result in an increase in that fund which is available for expenditure.

This bill would take effect immediately as an urgency statute.

Ch. 517 (AB 577) Tucker. California National Guard.

(1) Existing law provides that the Military Department includes the office of the Commanding General of the State Military Forces as well as the California National Guard, the State Military Reserve, the California Cadet Corps, and the Naval Militia.

This bill would change the title of the Commanding General of the State Military Forces to the Adjutant General, and would make other related and conforming changes.

(2) Under existing law, the farm and home purchase benefits of the California National Guard Members' Farm and Home Purchase Act of 1978 are available to commissioned officers captain (0-3 and below, warrant officers W-4 and below, and enlisted members E-9 and below.

This bill would extend the benefits of that act to all commissioned officers, warrant officers, and enlisted members of the California National Guard, but would afford first priority to members of grade 0-3 and below, with second priority to those of grade 0-4 and above.

(3) Under existing law, the AWOL Abatement Program Fund receives all court-martial and disciplinary punishment fines and penalties, which are then appropriated to the Military Department for the 1983–84 fiscal year for purposes of programs to reduce absence without leave by members of the California National Guard. This program will terminate on July 1, 1984.

This bill would extend the appropriation through the 1984–85 fiscal year rather than for only the 1983–84 fiscal year, thereby making an appropriation, and would also delete the July 1, 1984, termination date, thereby extending this program indefinitely.

Ch. 518 (AB 788) Bates. Parks and recreation: capital outlay: East Bay Shoreline project.

The Budget Act of 1982 appropriates $4,000,000 to the Department of Parks and Recreation from the Parklands Fund of 1980 for acquisition at the East Bay Shoreline project.

This bill would permit the funds to be used for development, as well as acquisition, at the project and would, thereby, make an appropriation.

Ch. 519 (AB 1052) Bader. Mobilehomes.

Existing law requires a rental agreement for a tenancy in a mobilehome park to be in writing and to contain certain provisions, and provides that a homeowner shall not be charged a fee for the enforcement of any of the rules and regulations of the park.

This bill, in addition, would require that the rental agreement contain a provision stating that management may charge a reasonable fee for maintenance services if the homeowner, after receiving written notice of the specific condition to be corrected, fails to maintain the land or premises upon which a mobilehome is situated in accordance with the park rules and regulations.

Existing law provides that a homeowner shall not be charged a fee for the entry, installation, hookup, or landscaping as a condition of tenancy

This bill would create an exception from the above provision for actual fees or costs imposed by a local governmental ordinance or requirement directly related to the occupancy of the specific site upon which the mobilehome is located.

Existing law prohibits the management of a mobilehome from terminating or refusing to renew a tenancy except for specified reasons and, in that event, requires written notice to be given to the homeowner that the mobilehome must be removed A copy of that notice is required to be given to the legal owner and registered owner, if other than the homeowner by United States mail on the same day as notice is given to the homeowner.

This bill would delete the requirement that the notice which is required to be given

to the legal owner and registered owner shall be mailed on the same day as notice is given to the homeowner and instead would require it to be mailed within 10 days after notice is given to the homeowner.

Existing law provides that upon a sale or other transfer of a mobilehome, if the mobilehome is to remain in the park, the escrow, sale, or other transfer agreement shall contain a provision signed by the purchaser stating that the purchaser has agreed to the terms of a rental agreement; and provides that a fully executed rental agreement signed by the purchaser will satisfy that requirement.

This bill would require the rental agreement to be signed by the park management and the purchaser in order for it to satisfy such requirement.

Existing law provides that a rental or sale agreement shall not contain a provision by which the purchaser or homeowner waives his or her rights under specific provisions relating to the transfer of mobilehomes.

This bill would expand that provision to include all of the Mobilehome Residency Law.

It also would make additional changes in Section 798.50 of the Civil Code contingent upon the enactment and prior chaptering of AB 874, and in Sections 798.55 and 798.56 of the Civil Code contingent upon the enactment and prior chaptering of SB 1035

Ch. 520 (AB 566) Young. Motor vehicle dealers: termination or nonrenewal of franchise.

(1) Existing law imposes limitations and conditions upon the termination of or refusal to continue a motor vehicle dealer franchise. The franchisor is required to provide a written notice to the franchisee and the New Motor Vehicle Board specifying the reasons for termination or nonrenewal.

This bill would require the notice to contain a specified statement apprising the dealer that the dealer may be entitled to file a protest with the New Motor Vehicle Board

(2) Under existing law, a motor vehicle franchise may only be terminated by the franchisor for specified cause.

This bill would add an additional cause, the failure of the dealer for 7 consecutive days to conduct customary sales and service operations during its customary hours of business if this gives rise to a good faith belief that the dealer is going out of business. Exceptions would be made for circumstances beyond the direct control of the dealer and for orders of the Department of Motor Vehicles.

Ch. 521 (AB 313) D. Brown. Community care facilities. foster family homes

Under existing law, a foster family home is required to be licensed by the State Department of Social Services.

This bill would prohibit the department from denying a license for a foster family home solely on the basis that the applicant is a parent who has administered corporal punishment not constituting child abuse, or will continue to administer such corporal punishment, to his or her own children.

Ch. 522 (AB 1226) Katz. Bad checks. punitive damages.

Existing law makes it a crime to fraudulently write a bad check, knowing that it is made upon insufficient funds.

This bill would create a cause of action for treble the amount owing but in no case less than $100 or more than $500 for failure to pay upon a dishonored check, in cash, within 30 days of demand for payment, as specified.

Ch. 523 (AB 1984) Moorhead. Medi-Cal: prepaid health plans.

Existing law authorizes the State Department of Health Services to enter into contracts with prepaid health plans for the provision of health care services to Medi-Cal beneficiaries.

This bill would specify a financial risk limit, to be set by contract at no more than $25,000 except that the department shall have authority through regulation to raise the risk limit to no more than $35,000, beyond which a prepaid health plan would be entitled to reimbursement, as specified, from the department for costs for services to these beneficiaries This bill would also provide for the retention by the plans of significant risk for the cost of services where the plan enters into a subcontract for the provision of these services

Ch. 524 (AB 1207) Hayden. Boating safety: funding

(1) Under existing law a county, or other entity or agency through the county, is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction, in an amount not to exceed the total cost less the money derived from personal property taxes on boats and fees charged for boating activities, as determined in accordance with a formula prescribed by the Department of Boating and Waterways. Aid for boating safety and enforcement programs of the Department of Parks and Recreation, and received for boating safety and enforcement programs by a county, is not counted as aid to the county.

This bill would clarify existing law by expressly including the Department of Parks and Recreation as an entity entitled to receive aid for boating and enforcement programs.

(2) Existing law requires all fees and other proceeds from the use of boats or boating facilities in state parks to be paid into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

This bill would instead require revenues received by the department for the entry or launching of boats to be paid into the State Treasury to the credit of the State Parks and Recreation Fund to be used for boating safety, enforcement, operation, and maintenance programs of the department. The bill would also make a nonsubstantive conforming change regarding revenues from the California Exposition and State Fair.

(3) The bill would incorporate additional changes in Section 663.7 of the Harbors and Navigation Code made by AB 1657, to be operative if this bill and AB 1657 are both chaptered and become effective January 1, 1984, and this bill is chaptered last.

(4) The bill would incorporate additional changes in Section 5010 of the Public Resources Code made by SB 713, to be operative only if both this bill and SB 713 are chaptered and become effective January 1, 1984, and this bill is chaptered last.

Ch. 525 (AB 1040) Kelley. California Kiwifruit Commission

(1) Existing law defines "producer" or "grower" for purposes of voting to elect, and to make operative, the California Kiwifruit Commission.

This bill would revise that definition and make it applicable to the law relating to the commission generally.

(2) Existing law specifies the powers and duties of the commission, including adopting rules, regulations, and orders.

This bill would provide that adoption will be in the manner established by the commission. This bill would also authorize the commission to manage programs establishing grades and standards for kiwifruit, to file civil actions, and to file criminal complaints with law enforcement agencies, with respect to the law relating to kiwifruit.

(3) Under existing law, administrative expenses of the commission paid for from assessments may not exceed 1½% of the gross dollar value of sales of kiwifruit by all producers to handlers In establishing producer gross dollar value, the commission is required to consider postharvest expenses and the varying circumstances in handling kiwifruit.

This bill would permit rather than require the commission to consider those expenses and circumstances when establishing gross dollar value.

(4) Existing law authorizes the commission to disclose information which kiwifruit handlers request to receive in total except for individual handler information

This bill would instead authorize the commission to disclose any information which the commission itself requires, except for individual handler information.

(5) Under existing law, in general, a person bringing a civil action seeking equitable relief is required to allege that an adequate remedy at law does not exist.

This bill would make it unnecessary for the commission, in seeking equitable relief, to allege or prove that an adequate remedy at law does not exist in any action brought under the law relating to kiwifruit.

(6) Existing law requires that specified funds remaining after the affairs of the commission are wound up be paid into the State Treasury as unclaimed trust funds.

This bill would instead require that these funds be paid to the University of California to fund research relating to kiwifruit, thereby making an appropriation.

Ch. 526 (AB 932) Molina. County Employees Retirement Law of 1937: real property investments—vote.

The County Employees Retirement Law of 1937 prohibits investment in certain real property unless approved by a unanimous vote of the board of retirement.

This bill would: change the required vote to 6 votes of the board of retirement; change the vote requirements for investments in real property or improvements for sale or lease to certain counties or county boards of education, as specified, from unanimous to 9 votes; and impose a vote requirement of 9 votes where a county board of supervisors or a county board of education has a material interest in the property.

Ch. 527 (AB 714) Alatorre. State Personnel Board: rulemaking authority.

Existing law provides that the State Personnel Board shall prescribe, amend, and repeal rules in accordance with law for the administration and enforcement of the Civil Service Act.

This bill would extend the above rulemaking authority of the State Personnel Board to include other sections of the Government Code over which the board is specifically assigned jurisdiction.

Ch. 528 (AB 691) Wyman. Schools: building lease purchase.

Under existing law, a school district which has funds allocated to it pursuant to the State School Building Lease Purchase Law of 1976, is required to provide 10% of the cost of the capital outlay project or agree to contribute 1% of the cost of the project each year for a period of 10 years, absent specified exceptions. Upon reorganization of a school district, the above 1% per year obligation is divided pro rata among the districts in which the territory of the former district is included

This bill would provide that when a school district reorganization occurs in which the real property upon which a capital outlay project is located becomes the property of another district, the district acquiring the real property is required to make the 1% per year contribution of the cost of that capital outlay project except as otherwise 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 impose a state-mandated local program by requiring the county superintendent of schools to perform additional duties when real property owned by one school district is acquired by another school district as a result of a reorganization

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. 529 (AB 453) Kelley. Farm products trust fund: limit.

Existing law provides for the Farm Products Trust Fund to pay for farm products grown or produced in this state which have not otherwise been paid for after being received by a licensed farm products processor or a licensed produce dealer. In no case may the total paid to all the claimants from the fund exceed $25,000 against any one licensee for any one license period.

This bill would increase the maximum amount which may be paid against one licensee for any one license period to $50,000.

Ch. 530 (AB 490) Isenberg. County health services.

Existing law provides that a county with a population of not more than 300,000 persons may contract with the state to provide health services to qualified recipients, as designated in the contract

Existing law further provides that, until June 30, 1983, the state shall be at risk for the costs of providing any of these health services under a program contracted for by the state to the extent that these costs exceed state and county funds, as specified.

This bill would extend the period under which the state would remain at risk for excess

program costs to June 30 1984.

This bill would declare he legislative intent that this extension of the allocation of the contract risk to the state is intended to facilitate the transfer of fiscal responsibility to the counties for medically indigent adults under the Medi-Cal program.

This bill would also direct the State Department of Health Services to report to the Legislature concerning specified elements of this transition of fiscal responsibility and the allocation of the contract risk

The bill would incorporate additional changes in Section 16709 of the Welfare and Institutions Code, proposed by AB 223, to be operative only if AB 223 and this bill are both chaptered, and this bill is chaptered after AB 223

This bill would take effect immediately as an urgency statute.

Ch. 531 (AB 951) Kelley. California Egg Commission.

(1) Existing law permits marketing orders, issued under the California Marketing Act of 1937, and various agricultural commissions, to contain provisions for the establishment of prescribed plans for research, advertising, and sales promotion of various agricultural commodities.

This bill would create the California Egg 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, and research relating to eggs and egg products. The bill would authorize the commission to levy an assessment on handlers of eggs and egg products, as prescribed, and authorize its expenditure for purposes of carrying out the provisions of the bill, thereby making an appropriation.

The bill, except as necessary to conduct an election, would not become operative until the handlers of eggs and egg products, by referendum, vote in favor 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.

This bill would impose a state-mandated local program by creating a new crime

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

Ch. 532 (SB 966) Alquist. State higher education employer-employee relations.

Existing law requires legislative approval of provisions of a memorandum of understanding entered into by a higher education employer and employee organizations which require the expenditure of funds.

This bill would recognize that the memorandum of understanding entered into between the California State University and the State Employees' Trades Council representing employees in Unit 6 has been ratified by Unit 6 employees and the Trustees of the California State University, and would appropriate from the amount which reverted to the General Fund from items in the Budget Act of 1982 providing state employee salaries, the amount necessary to provide employees in Unit 6 with retroactive adjustment of Unit 6 employee contributions to the Public Employees' Retirement System up to a maximum reduction of $50 per month, and a retroactive increase of the state share for Unit 6 employee health benefits up to the maximum offered to the California State University employees through the Public Employees' Retirement System, for the period from July 1, 1982, to June 30, 1983, inclusive

This bill would state the intent of the Legislature with regard to the bill.

This bill would take effect immediately as an urgency statute.

Ch. 533 (SB 286) Rosenthal. Chiropractic.

Under existing law, the application and renewal fee for a license to practice chiropractic is to be not more than $75 as determined by the State Board of Chiropractic Examiners.

This bill would increase the maximum amount that may be fixed for those fees to $100

for the application fee and $150 for the renewal fee

Existing law contained in the initiative act known as the Chiropractic Act provides that money in the State Board of Chiropractic Examiners Fund is continuously appropriated to carry out the purposes of that act

The increased fees provided for in this act will result in an increase in that fund which will be available for expenditure

The bill would take effect as an urgency statute.

Ch. 534 (SB 1045) Lockyer Local government.

(1) Existing law specifies the investments that may be made by the board of investments or board of retirement under the County Employees Retirement Law of 1937. The existing law does not expressly authorize the board to purchase or sell securities under repurchase agreements or reverse repurchase agreements

This bill would permit the board to make these investments.

(2) 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 but does not authorize generally investment in financial futures or financial options.

This bill would authorize local agencies to invest in financial futures and options, as specified.

(3) Existing law does not authorize the county board of supervisors to provide for the receipt of the second installment of real property taxes at a discounted amount This bill would authorize the board to require a county tax collector to accept payment of a second installment at a discounted amount, established annually by the board, if payment is made on or before December 10th

Ch 535 (SB 620) Vuich California Table Grape Commission. assessments

Existing law authorizes the California Table Grape Commission to levy and collect an assessment of up to $0 004347 per pound on all fresh grapes, with a specified exception, that are shipped during each marketing season.

This bill would increase the maximum assessment rate to $0.006522 per pound, thus resulting in an appropriation to the commission

Ch. 536 (SB 1225) Hart. Teacher credentialing: proficiency standards.

(1) Existing law specifies that commencing on February 1, 1983, the Commission on Teacher Credentialing shall not issue initially any credential, permit, certificate, or renewal of an emergency credential to any person to serve in the public schools unless the person has demonstrated proficiency in basic skills, or unless the person is exempt from the basic skills proficiency test requirement.

Existing law, commencing February 1, 1983, prohibits the governing board of a school district from initially 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, or unless the person is exempt from the basic skills proficiency test requirement.

This bill would exempt from the basic skills proficiency test requirement applicants for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree. The bill would, however, require that persons meet prescribed standards in order to be employed as child care and development program teachers. This bill would exempt from the basic skills proficiency test requirement the holder of a credential, permit, or certificate to teach, other than an emergency credential, who seeks an additional authorization to teach.

This bill would exempt from the state basic skills proficiency test requirement an applicant for a credential to provide service in the health profession.

This bill would specify that any individual who passes one or more components of the state basic skills proficiency test in the subjects of basic reading, writing, or mathematics shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations.

This bill would exempt from the state basic skills proficiency test requirement certificated personnel employed under a foreign exchange program for a period of up to

one year.

This bill would authorize school districts to hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not been afforded the opportunity to take the test but takes the test at the earliest opportunity. The person could then be employed pending the receipt of his or her test results.

This bill would specify that funds reimbursed to the State Department of Education pursuant to specified provisions of existing law shall be continuously appropriated and available for expenditure without regard to fiscal year upon the order of the Superintendent of Public Instruction for specified purposes.

(2) Existing law specifies that commencing on March 1, 1982, no person shall be initially assigned to assist in instruction or work as an aide for instructional purposes unless the person has demonstrated proficiency in basic skills, as specified.

This bill would define the term "initially assigned" to mean any assignment, including substitute, temporary, probationary, or permanent employment, to assist in instruction as an aide for instructional purposes.

This bill would specify that an aide who passes a district proficiency test and who is reassigned to another school in the district and is employed in the same capacity shall be considered to have met the state basic skills proficiency test requirement.

(3) This bill would make other related changes necessary to implement the provisions of this bill

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

Ch. 537 (SB 73) Lockyer Job training.

Existing law requires the Employment Development Department to direct a program of job preparation, training, and placement services to assist economically disadvantaged persons and carry out the Aid to Families with Dependent Children (AFDC) program.

This bill would make various changes in this program in order to conform it to requirements of the federal Job Training Partnership Act. Among other things, the bill would do all of the following:

(1) Clarify the relationship between local government entities with respect to the delivery of program services

(2) Narrow the standards of eligibility for the services.

(3) Revise the membership of the private industry council in each service delivery area and the membership of the state council.

(4) Require the local elected official or officials and the private industry council in each service delivery area to develop these plans jointly with local offices of the Employment Development Department.

(5) Require the Governor to conduct a study to implement the intent of the Legislature that personnel and resources supporting specified programs be organized into a single administrative entity. The plan would be required to be submitted to the Legislature by January 1, 1986, and if no changes are proposed, describe the findings and conclusions supporting that determination.

(6) Require the program to be in effect in all service delivery areas of the state by October 1, 1983

Existing law provides that the Employment Development Department is the state entity responsible for administering the job preparation and training services laws and, subject to the approval of the state council, establishing specified rules, regulations, and procedures.

This bill would provide that the Governor, after receiving the recommendation of the State Job Coordinating Council, shall designate, as specified, the agencies responsible for the implementation of the job preparation and training laws.

This bill would also provide that the State Job Coordinating Council shall be the entity responsible for establishing specified rules, regulations, and procedures and, in this connection, would refer to service delivery areas rather than counties.

Existing law requires a private industry council appointed by the board of supervisors in each county to design a county plan for implementation by the county of various employment preparation and training services programs, subject to approval by the Employment Development Department.

This bill would require private industry councils to prepare an employment and training plan for displaced workers which would include a program for displaced worker

assistance. The plans for programs for displaced worker assistance would be reviewed and approved by the State Job Training Coordinating Council, with the assistance of the Employment Development Department and the California Economic Adjustment Team.

This bill would substitute service delivery areas as the operators of specified job preparation and training programs, instead of the counties, in certain provisions regarding employment preparation and training services programs.

Existing law provides for a hearing on specified matters concerning whether funds should be withheld from counties or other entities due to certain failures.

This bill would provide for an appeal to recover disallowed costs, and would specify that if the appeal is not granted the service delivery area shall be liable for disallowed costs which occur as a result of failure by the service delivery area to conform to federal or state laws or regulations.

Existing law provides that the Chairman of the Commission for Economic Development is the Lieutenant Governor, and that the chairman shall appoint an executive secretary who shall be the appointing authority for other committee personnel.

This bill would provide for the appointment of an executive secretary by the Governor, upon nomination of the Lieutenant Governor. It would also provide that the Lieutenant Governor shall appoint the staff of the commission.

The bill would take effect immediately as an urgency statute.

Ch. 538 (SB 1263) Russell. Appropriation: settlement of claim.

This bill would appropriate $160,000 from the General Fund to the Department of Justice to settle the claim of the plaintiff against the State of California in the case of Kamer v. Pomona Psychiatric Hospital. Payment would be made in accordance with the terms of the settlement reached by the plaintiff and the State of California.

This bill would take effect immediately as an urgency statute.

Ch. 539 (SB 1236) Carpenter. Appropriation: Department of Justice: settlement claim.

This bill would appropriate $265,000 from the Motor Vehicle Account in the State Transportation Fund to the Department of Justice to pay Cynthia Ann Pettijohn for the settlement of a claim against the state in an action for personal injury entitled Cynthia Ann Pettijohn v. State of California.

This act would take effect immediately as an urgency statute.

Ch. 540 (SB 785) Dills. Economic policy: report by Governor.

Existing law contains provisions declaring it is the policy and responsibility of the state to foster and promote growth in employment, productivity, income, and purchasing power and requiring the Governor to make specified reports on these matters.

This bill would revise the requirements concerning these reports and eliminate obsolete provisions.

Ch. 541 (SB 122) Presley. Subpoenas.

Existing law provides for personal service of subpoenas to witnesses in criminal cases.

This bill would provide that a subpoena may be delivered by mail or messenger, and that service is effected when the witness acknowledges receipt of the subpoena to the sender, by telephone, by mail, or in person, and identifies himself or herself by reference to his or her date of birth, and driver's license number or Department of Motor Vehicles identification card number.

The bill would provide that a subpoena issued and acknowledged pursuant to the above provisions would have the same force and effect of one personally served and failure to comply may be punishable as a contempt, provided that a warrant of arrest or a body attachment may not issue for a failure to appear.

The bill would require the sender to make a written notation of the identifying information obtained during any acknowledgment by telephone or in person.

The bill would remain in effect until January 1, 1987, and on that date would be repealed.

Ch. 542 (SB 57) B. Greene. Unemployment insurance: shared work.

Existing law authorizes employers to participate in a shared work unemployment compensation benefit program which permits employees to receive, for up to 20 weeks during a period of 52 consecutive weeks, a benefit amount equal to the percentage reduction in the individual's wages resulting from reduced hours or days of work. The program will remain in effect only until December 31, 1983

This bill would change the meaning of unemployed, for purposes of this program, from less than an individual's normal hours or number of days a week to an individual's normal weekly hours of work or 40 hours, whichever is less.

This bill would also provide that any plan for participation must be approved by the Director of Employment Development and would be in effect for 6 months unless the average seasonally adjusted civilian unemployment rate exceeds 7.5 for the period, as specified.

Under existing law, if a participating employer in the shared work unemployment compensation benefit program has a negative reserve account balance in the Unemployment Fund on any June 30th, and their reserve account has been charged for benefits paid under the program in the prior year, they must pay into the fund additional contributions according to a specified rate schedule.

This bill would instead provide that if the employer has a negative reserve account balance on June 30 of 2 consecutive years, the employer would pay contributions equal to the amount of benefits paid under the program during the prior year, and would provide for a refund or credit to the employer for amounts collected in excess of this amount during the prior year.

This bill would extend the program until December 31, 1986.

This bill would take effect immediately as an urgency statute.

Ch. 543 (SB 83) Watson. Youth foster children services.

Existing law authorizes school districts to provide educational services for foster children residing within the district Certain provisions of existing law provide funding for 4 specified school districts' foster children services programs, while any other school district providing such services receives funding only from such funds as may be specifically appropriated by the annual Budget Act.

This bill would rearrange and recast those provisions.

Existing law requires the 4 specified school districts to reduce their base revenue calculation in an amount equal to the amount spent for foster children services and requires that this amount be transferred from a specified budget item to the Superintendent of Public Instruction for allocation to the Foster Youth Services Special Categorical Program.

This bill would delete these provisions.

Existing law provides for the Foster Parent Training Fund, and specifies the exclusive uses of the moneys in that fund.

This bill would rename that fund as the Foster Children and Parent Training Fund. Beginning with fiscal year 1983–84, it would also make a reappropriation of the fund by permitting any moneys remaining in the fund after specified allocations have been made to be allocated for foster children services programs.

This bill would take effect immediately as an urgency statute.

Ch. 544 (SB 687) Vuich. Courts: Fresno and Napa Counties.

Existing law specifies the number, compensation, and classification of superior and municipal court personnel in Fresno County and specifies the classification of municipal court personnel in Napa County.

This bill would revise the number, compensation, and classification of superior and municipal court personnel in Fresno County, and would revise the classification 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 requre the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 545 (SB 862) Watson Franchises

Existing law provides that the California Franchise Relations Act applies only to franchises granted or renewed on or after January 1, 1981

This bill would provide that the California Franchise Relations Act also applies to franchises of an indefinite duration which may be terminated by the franchisee or franchisor without cause.

Ch. 546 (SB 1246) Speraw. Community colleges: facilities

Existing law requires, except as specified, that the use of community college facilities, property, and grounds be granted free to various organizations, including public agencies, senior citizens' organizations, and organizations established for cultural activities and for welfare purposes

Except as provided, this bill would require the governing board of a community college district to provide free use of the district's college facilities or grounds to certain designated organizations and types of organizations. For any other use of college 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 college 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.

The bill would also state the Legislature's intent to guarantee public access to college facilities, while at the same time acknowledging the limited resources of community college districts and the need to assess a fee to offset all or part of significant costs resulting from the use of college facilities.

Ch. 547 (AB 1050) Bader. Health Manpower Policy Commission.

Existing law creates the Health Manpower Policy Commission to look into issues and make certain recommendations concerning family physician practice and training.

Existing law specifies the total number of members on the commission and requires that 7 of these members be appointed by the Governor from various specified entities and categories.

This bill would increase the total number of members on the commission from 9 to 10, and would increase the Governor's appointees from 7 to 8 to include a representative who is a practicing osteopathic physician or surgeon and who is board certified in either general or family practice.

Ch. 548 (AB 883) Lancaster Administrative adjudication: contested cases

Existing law provides for administrative adjudication of specified disputes.

Under existing law in contested cases heard by a hearing officer alone, a proposed decision is required to be submitted within 30 days The agency may then adopt the proposed decision in its entirety or may reduce the proposed penalty and adopt the balance of the proposed decision. If the hearing officer's proposed decision is not adopted, the agency itself may decide the case upon the record, including the transcript, with or without taking additional evidence.

This bill would provide that the agency, by stipulation of the parties may decide the case upon the record without the transcript

Ch 549 (AB 761) O'Connell. Consumer goods and services· mail orders.

Existing law makes it a misdemeanor for any person conducting a mail order or catalog business for the sale of consumer goods or services and who utilizes a post office box to fail to disclose the legal name under which business is done and the complete street address from which the business is actually conducted, as prescribed.

This bill would extend those provisions to persons conducting such a business who utilize a street address representing a site used primarily for the receipt or delivery of mail or as a telephone answering service.

The bill would mandate a new program or higher level of service on local government by expanding the scope of the existing crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 695) Cortese. Local agency investments.

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.

(1) Under existing law, up to 15% of an agency's money may be invested in commercial paper which meets specified criteria. This bill would permit an additional 15% of an agency's money to be invested in commercial paper if the dollar-weighted average maturity of the entire amount so invested does not exceed 31 days.

(2) Under existing law, an agency's money may be deposited in negotiable certificates of deposit issued by state or federally chartered financial institutions. This bill would permit investment in such certificates issued by a state-licensed branch of a foreign bank. The bill would make a local agency's investments in certificates of deposit subject to an existing statutory limitation on the amount of funds of a local agency which may be deposited in any depositary bank or savings and loan association.

(3) Under existing law, an agency's money may be invested in repurchase agreements or reverse repurchase agreements.

This bill would revise the term "repurchase agreement," as defined for such purpose.

This bill would incorporate other changes proposed by AB 323, to be effective only if both bills are enacted, become effective January 1, 1984, and this bill is chaptered after AB 323.

Ch. 551 (SB 63) Watson Public social services

Existing law provides for the Aid to Families with Dependent Children (AFDC) program, under which needy families with dependent children are provided with cash assistance by each county.

Existing state statutes, which are unenforceable due to federal statutes and judicial decisions, provide that an emergency one-year residency requirement for AFDC eligibility shall be implemented under specified circumstances, and that AFDC eligibility shall not be granted when need arises due to parental separation of less than 3 month's duration.

This bill would repeal these provisions.

Existing law provides for the Aid to Families with Dependent Children-Foster Care program (AFDC-FC), under which each county provides cash assistance to needy children placed in foster care placements

The bill would make various technical changes in order to conform with AFDC-FC provisions to existing state law, as well as other clarifying changes.

Existing law provides that in establishing AFDC-FC eligibility for a child living with a nonrelated legal guardian, the legal guardian, in cooperation with the county welfare department must, among other things, develop an assessment of the child's needs.

This bill would specifically require that this assessment must be in written form.

Existing law provides that under specified circumstances a group care facility operating a program funded under the AFDC-FC program shall be eligible to receive a different state reimbursement rate for operation of a new program by the facility.

This bill would set forth these same provisions with respect to homefinding agencies.

Existing law provides that, the State Department of Social Services shall implement an emergency assistance program for needy families with dependent children, which shall be repealed on July 1, 1983

This bill would require that this program shall be operated to the extent federal funds are available, and that the program would be extended until January 1, 1988, unless a later enacted statute extends or deletes that date.

Existing law provides that the state shall grant to specified aged, blind, and disabled persons living in nonmedical out-of-home-care facilities, specified minimum amounts of cash assistance for room, board, and care, and for personal and incidental needs, and that these amounts shall be adjusted to reflect changes in the cost of living, as specified

This bill would increase the minimum, appropriated amount for room, board, and care from $394 to $405, the minimum amount for personal and incidental needs from $58 to $59, and the minimum total grant for these needs from $496 to $510

This bill would take effect immediately as an urgency statute

Ch. 552 (AB 1940) Margolin. Home health agencies.

Existing law authorizes the State Department of Health Services to operate a system of licensing for home health agencies, defined in part as entities primarily engaged in providing skilled nursing and related services to patients in the home on a part-time or intermittent basis.

Existing law also includes within the schedule of benefits under the Medi-Cal program in-home medical services, as specified.

This bill would redefine home health agencies to permit these entities to provide in-home medical services under Medi-Cal without limitation to a part-time or intermittent basis.

Ch. 553 (AB 1424) Moore Telecommunication services: rates and charges

Existing law provides for the regulation of telephone corporations as public utilities by the Public Utilities Commission

This bill would direct every telephone corporation to issue annually to every residential subscriber a listing of the residential telephone regulated services it provides, the rates or charges therefor, and the state or federal agency responsible for their regulation. It would require every charge imposed by the Federal Communications Commission to be shown separately. The bill would require every telephone corporation operating in this state to either identify these charges to indicate that these charges are imposed by action of the Federal Communications Commission or to include in the subscriber's billing statement a listing of the total charges imposed pursuant to Federal Communications Commission tariff, as prescribed. It would direct the Public Utilities Commission to specify methods for compliance with these provisions, stating what these methods shall include.

These provisions would be repealed on January 1, 1987

Ch 554 (AB 1347) N. Waters. Cal-Vet. disabled veterans' 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 directs the department to set aside $10,000,000 from the proceeds for 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.

This bill would specify that disabled veteran purchasers under the Veterans Farm and Home Purchase Act of 1943 are also eligible for home improvement loans under these provisions. It would specify that the interest rates on these loans shall be calculated pursuant to provisions applying to farm and home purchases. It would require that these funds be set aside for these purposes for 18 months after the bond sale, and that after this time any remaining funds shall be available for general farm and home purchase purposes.

This bill would take effect immediately as an urgency statute

Ch. 555 (AB 1311) Areias. California Iceberg Lettuce Commission.

Existing law establishes the California Iceberg Lettuce Commission with specified membership, powers, and duties regarding advertising, promotion, and research relating to iceberg lettuce.

This bill would, among other revisions, make the following changes in the law relating to the commission:

(a) Specified areas represented by certain districts would be placed in different districts and one district would be eliminated

(b) The term "handler" would be given a broader definition than currently exists.

(c) The method of selecting the public member of the commission would be revised.

(d) The initial terms of office for handler members of the commission would be revised

(e) The authority of the Department of Finance to perform an audit of the commission would be eliminated and the Director of Food and Agriculture, instead of the Department of Finance, would have the authority to approve the auditing firm for the commission's annual audit.

(f) The commission would be authorized to enter into cost-sharing advertising agreements with other organizations, as specified

(g) The commission would not be authorized to increase the assessment charged to handlers to fund the commission without a referendum approving the increase, as specified.

(h) The penalty for late payment of assessments would be increased, and thus the bill would make an appropriation.

(i) The method of suspending the operation of the laws relating to the commission would be revised.

(j) The vote requirements to determine periodically whether or not the commission shall continue would be revised.

Ch. 556 (AB 983) Bergeson. Schools. certificates.

Existing law authorizes the State Board of Education to establish at the request of the governing authorities of any state institution, courses of instruction for inmates of the institution. Existing law authorizes the board to examine the progress of students taking the courses and to grant certificates of completion as the board may determine.

This bill would instead authorize the board to grant high school diplomas to students meeting the requirements for high school graduation. This bill would specify that certificates of completion previously awarded by the board to students who, at the time of the award of a certificate of completion met the requirements for high school graduation, shall be deemed for all purposes to be the equivalent of diplomas of high school graduation.

Ch. 557 (AB 967) D. Brown. Loans.

Existing law provides that a lender who makes a shared appreciation loan on behalf of a pension fund which is subject to the federal Employee Retirement Income Security Act of 1974 (ERISA) is exempt from specified usury provisions in the California Constitution

This bill would specify that such provision is declaratory of existing law.

The California Constitution contains certain exemptions from the restrictions on maximum rates of interest including exemptions for building and loan associations, industrial loan companies, credit unions, pawnbrokers, personal property brokers, loans made or arranged by any person licensed as a real estate broker, banks, and nonprofit cooperative associations, as specified; and authorizes the Legislature by statute to exempt any other class of persons.

This bill would exempt pension funds or retirement systems subject to ERISA from those restrictions.

This bill would also expressly state that pension funds or retirement systems subject to ERISA are not required to obtain any license or certificate relative to the provision of funds for any loan transaction permitted by law.

Ch. 558 (AB 933) Molina. County Employees Retirement Law of 1937: benefits.

(1) The County Employees Retirement Law of 1937 presently permits deductions from retirement allowances to be made for insurance and health premiums.

This bill would authorize deductions from retirement allowances for dental plan premiums.

(2) The law presently authorizes the board of supervisors to elect to pay up to ½ of the contributions normally required of members and provides that those contributions shall not become part of the members' accumulated contribution.

This bill would, until January 1, 1990, authorize the board of supervisors or the governing body of the district, on recommendation of the retirement board, to pay any portion of the members' contributions and provides that the payments shall be credited to member accounts. This new authorization would impose state-mandated costs since its exercise would be subject to negotiation under existing law relating to local public agency employer-employee relations.

This bill would also provide that the enactment of a resolution adopting the recommendation of the board of retirement shall not create vested rights in any member, and that the resolution may be amended or repealed, subject to employer-employee relations provisions.

(3) Existing provisions of the County Employees Retirement Law of 1937 authorize the governing body of San Mateo County, or a district within the membership of the

county retirement association, to terminate the applicability of optional provisions as to all employees of the county or district who elect by written notice to have such provisions terminated as to them and to elect to provide an alternative retirement allowance formula for its employees.

This bill would add similar provisions which would be applicable only to Merced County, and this new authorization would impose state-mandated local program costs, since its exercise would be subject to negotiation under existing law relating to employer-employee relations.

(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.

(5) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1990, the provisions contained in item (2) above for which state reimbursement is required

(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 item (3) above would remain in effect unless and until they are amended or repealed by a later enacted act.

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

Ch. 559 (AB 161) Baker. Insurance.

Existing law regulates the business of mortgage guaranty insurance Under existing law, authorized real estate security, for purposes of mortgage guaranty insurance, includes a note, bond, or other evidence of indebtedness secured by a junior lien which, when combined with existing mortgage loan amounts, does not exceed 90% of the fair market value of the real estate at the time the junior lien is made.

This bill would provide that the 90% limit applies unless otherwise approved by the Department of Insurance when the institution wishes to engage in the program or plan, upon payment of a specified fee, subject to a limitation on total indebtedness of 95% of the fair market value of the real estate at the time the junior loan is made.

Existing law permits an insurer with a certificate of authority to transact credit insurance to also transact certain forms of mortgage guaranty insurance with the written permission of the Insurance Commissioner.

This bill would provide that the written permission shall be obtained by filing a prescribed application, and would require the payment of a filing fee.

Existing law provides for the deposit of all fees received by the Insurance Commissioner in the State Treasury to the credit of the Insurance Fund, and that the money in that fund is appropriated for refunds and for the support of the Department of Insurance, as specified. This bill, by providing for new fees which would be deposited in that fund would, result in an appropriation.

The bill will take effect immediately as an urgency statute.

Ch. 560 (AB 1643) Bergeson State safety members of PERS. Department of Corrections supervisors

The Public Employees' Retirement Law presently provides, for state safety members, benefits and contribution rates which are higher than, and a minimum retirement age which is lower than, those for state miscellaneous members; state miscellaneous members, however, are covered by the federal social security system while that coverage generally excludes "policemen" and "firemen," which categories encompass state safety members.

This bill would include in the state safety category of membership, correctional casework training supervisors employed by the Department of Corrections, and also provide for related increases in the state's contribution to the Public Employees' Retirement Fund, and terminate their federal social security coverage. The provisions would not become operative until a federal ruling or regulation is made authorizing the inclusion of those persons

Ch. 561 (AB 1069) Stirling. Corporations

Under the existing General Corporation Law, the Nonprofit Corporation Law, and the Consumer Cooperative Corporation Law, a corporation is required to file a copy of its articles of incorporation with the Secretary of State.

This bill would provide that the Secretary of State may cancel the filing of the articles of incorporation of such a corporation if a check or other remittance accepted in payment of the filing fee or franchise tax is not paid on presentation. The bill would provide that upon receiving written notification that the item presented for payment has not been honored for payment, the Secretary of State shall give the agent for service of process or the person submitting the instrument, written notice of an intention to cancel pursuant to these provisions. The bill would further require that the Secretary of State give a second notice of cancellation upon which cancellation is effective, within a specified time period

This bill would make related changes with respect to foreign corporations

Ch. 562 (AB 365) Farr. Criminal procedure: change of venue

Existing law provides that in a criminal action, the court shall order a change of venue on motion of the defendant when it appears that there is a reasonable likelihood that a fair and impartial trial cannot be had in that judicial district or county.

This bill would provide that when a change of venue is ordered by the superior court, it shall be for the trial and that pretrial proceedings shall occur in the county of original venue, except as specified

Ch. 563 (SB 168) Johnson. Volunteer firefighters. length of service award system-continuation.

The Volunteer Firefighters Length of Service Award Act which provides for the award system and creates the continuously appropriated Volunteer Firefighters Length of Service Award Fund, would be repealed on January 1, 1985, unless such date is deleted or extended by a later statute.

This bill would repeal that repeal date and thereby extend the operation of the act indefinitely.

Ch. 564 (SB 343) Presley Water

(1) Under existing law, the Colorado River Board of California consists of 9 members appointed by the Governor and the Directors of Water Resources and Fish and Game. Six of the members and an alternate for each are appointed from a list of 3 nominees submitted by each of 6 specified southern California water agencies, and 3 additional public members are appointed. The Governor is required to annually appoint from among the members of the board, other than the directors, a chairman who is ex officio the Colorado River Commissioner, who exercises specified powers and duties under the direction of the board

This bill would instead provide that the board consists of 7 members appointed by the Governor, one of whom is a public member, and the 2 directors. The bill would provide for each of the 6 agencies to submit 2 lists, one for its member and one for its alternate member, of not less than 3 persons on each list with a recommendation as to whom should be appointed from each list. The bill would provide that if the Governor does not act within 60 days, the recommended person shall be deemed appointed. The bill would provide that a member of the governing body of an appointing agency is eligible to serve on the board or as an alternate.

The bill would require the board to elect the chairman who is ex officio the Colorado River Commissioner from among its members other than the directors, and would provide for the chairman to serve at the pleasure of the board.

(2) 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 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, the board of directors of a municipal water district is required, on or before the third Monday in August, to certify to the board of supervisors and

county auditor the tax rate fixed for the district and to furnish a specified statement of any delinquent and unpaid charges

This bill would change that date to on or before September 1.

(4) Under existing law, the Bighorn Mountains Water Agency is not required to provide notice or hearing of water standby or availability charges in any year in which there is no increase in the schedule or schedules of charges levied during the past year, provided that the schedule or schedules of charges levied are posted in a prominent place easily accessible to public view in the offices of the agency.

This bill would delete that provision. The bill would require the agency to give notice by first class mail to all landowners whose property may be made subject to a water standby or availability charge.

Ch 565 (SB 851) Alquist Community college financing.

(1) Under existing law, community college districts receive apportionments from the State School Fund.

This bill would repeal provisions providing for community college funding in the 1979–80 and 1980–81 fiscal years.

This bill would require the Chancellor of the California Community Colleges, for the 1983–84 fiscal year and each fiscal year thereafter, to apportion state aid to community college districts by determining the base revenues for each district, and adjusting those base revenues for changes in average daily attendance, subject to certain growth limitations, and for inflation and equalization This bill would require the chancellor to establish a schedule for the monthly allocation of funds to community college districts so that the total allocations made between July 1 and February 1 do not exceed 60% of the district eligibility for that fiscal year, except that upon demonstrated need, district allocations during that time period may be increased to 70% of the district eligibility for that fiscal year This bill would also afford priority to district base revenues in the event revenues are less than the total amount to be apportioned to all districts in any fiscal year.

(2) Under existing law, unless the governing board of a community college school district notifies an administrative or supervisory certificated employee by March 15 that the employee may be released from his or her position for the following school year, the governing board is required to continue to employ the employee in that position.

This bill would, until July 1, 1987, permit the governing board to release an administrative or supervisory certificated employee from his or her position 90 or more days after giving notice of the governing board's intention to release the employee.

(3) This bill would require the chancellor to conduct a study of differential funding methods for community college districts, and would impose a state-mandated local program by prohibiting community college districts providing services for substantially handicapped persons in adult or summer session noncredit programs from reducing the level of those services below the level provided in the 1982–83 fiscal year, unless a waiver is obtained from the chancellor

(4) This bill would prescribe an additional method of computing apportionments to community college districts which provide educational programs for residents of state hospitals in the 1983–84 fiscal year.

(5) This bill would state the intent of the Legislature to support the interpretation of the Chancellor of the California Community Colleges that positions funded through specified provisions of existing law shall not be considered temporary positions This bill would require the chancellor to examine the current practices regarding these types of positions in a report to the Legislature by April 15, 1984.

(6) Existing law requires the California Postsecondary Education Commission, upon request of the Legislature or Governor, to submit to the Legislature or Governor a report on all matters so requested which are compatible with its role as the statewide postsecondary education planning and coordinating agency.

This bill would require the commission to develop a plan for a common course-numbering system to be used by public postsecondary educational institutions, as specified. It would also require the commission to study efforts to achieve a common course-numbering system in public postsecondary education in other states, evaluate the various methods employed for that purpose, and estimate the cost of implementing each method in California. The bill would require the commission to submit its findings and

recommendations pursuant to the provisions of the bill to the Legislature by January 1, 1985.

(7) This bill would require the Board of Governors of the California Community Colleges to develop a plan for implementation of a system for student matriculation. This bill would require the board of governors to report the plan to the Legislature by February 1, 1984, to collect data on the implementation of the plan, and to submit reports to the Legislature on the data collected by October 1, 1985, and by October 1, 1986.

(8) Existing law authorizes community college district governing boards to impose a fee for the actual pro rata costs of student program changes.

This bill would, until July 1 1987, impose a state-mandated local program by requiring the imposition of this fee, up to $10 per course, to a maximum of $20, and would require a report regarding the fees

(9) Existing law specifies that in any community college district, the percentage of weekly faculty contact hours taught by part-time instructors during the 1981–82 and 1982–83 school years shall not exceed the percentage of weekly faculty contact hours taught by part-time instructors during the 1980–81 school year. Existing law specifies that the term "part-time instructor" is defined as an instructor who is employed to teach adult or community college classes for not more than 60% of the hours per week considered a full-time assignment.

This bill would make that limitation applicable in academic years through the end of the 1986–87 academic year and would prescribe a plan for ensuring compliance if the district fails to meet the requirements of the provision

(10) This bill would appropriate the sum of $100,000 from the General Fund to the Chancellor of the California Community Colleges for purposes of the differential funding study required pursuant to this bill.

(11) This bill would appropriate the sum of $100,000 from the General Fund to the Chancellor of the California Community Colleges for purposes of the student matriculation plan required pursuant to this bill.

(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.

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, for a specified reason for a prescribed provision of the bill It would also recognize that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs under other provisions of the bill

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

Ch 566 (AB 1102) Condit Fire protection districts· board size.

Existing law permits expansion of a fire protection district board, as prescribed, upon consolidation of 2 such districts and approval by the voters

This bill would, additionally, require expansion of a fire protection district board by 2 members upon completion of an annexation if unanimously approved by the district board and made a condition of annexation by the local agency formation commission. The board of supervisors would initially appoint the 2 new board members to staggered terms, with their successors to be elected to 4-year terms

This bill would become effective immediately as an urgency statute

Ch. 567 (AB 323) Robinson. Local agency investments

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 a local agency, and allows direct investment in bankers acceptances of an amount not exceeding 30% of the agency's surplus funds which may be invested

This bill would increase to 40% of an agency's surplus funds, the amount which could be invested in bankers acceptances.

This bill would incorporate additional changes proposed by AB 695, to be effective only if both bills are enacted, become effective on January 1, 1984, and this bill is chaptered after AB 695

Ch. 568 (AB 306) Hauser *Victims of crimes.*

Existing law provides that when a person is convicted of a crime and probation is granted, the court shall require restitution as a condition of probation. Existing law provides that 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 in the record that such a condition would be inappropriate.

This bill would repeal those provisions and enact new provisions relating to restitution which would provide that the court shall require, as a condition of probation, that the person convicted of the crime make restitution to the victim, if the crime involved a victim, or to the Restitution Fund, if the crime did not involve a victim. The bill would require the court to require, as a condition of probation, that the person perform specified community service if the court finds that there are compelling and extraordinary reasons why restitution is inappropriate The bill would further provide that the court may avoid imposing this requirement of community service as a condition of probation if it finds, and states its reasons on the record, that there are compelling and extraordinary reasons not to require community service in addition to its findings as to why restitution should not be required.

Existing law authorizes a court to revoke and terminate probation if the interests of justice so require and the court, in its judgment, has reason to believe from the report of a probation officer that the person has violated any of the conditions of his or her probation.

This bill would provide that probation shall not be revoked for failure to make restitution unless the court determines that the defendant has willfully failed to make payment and has the ability to pay

The bill would make various findings and declarations

Ch. 569 (AB 1565) Davis. Trademarks: counterfeit or imitation goods.

Existing law authorizes the owner of a trademark or service mark registered under California law to commence an action for an injunction against the manufacture, use, display, or sale of counterfeit or imitation goods; authorizes a court to award damages incurred as a result of that wrongful conduct; and authorizes a court to order the destruction of the counterfeit or imitation goods.

This bill would require the court to require the defendants to pay up to 3 times their profits, and up to 3 times all damages incurred as a result of the wrongful conduct, would authorize the court to order the destruction of all means of making the particular counterfeit goods; and would authorize the court, in lieu of ordering the counterfeit goods destroyed, to dispose of them by delivering them to the state, a civil claimant, an eleemosynary institution, or any other person other than the person from whom the goods were obtained.

This bill, in addition, would empower a court to order seizure of the alleged counterfeit goods, upon motion or ex parte application therefor, and upon a showing of good cause and a probability of success on the merits, and upon the posting of an undertaking. A person who causes a court order to be issued for the seizure of goods which are not counterfeits could be held liable for damages, costs, and expenses, as specified.

Ch. 570 (AB 693) Frazee. Public entities: blue reflective pavement markers: county budgets

(1) Existing law on fires and fire protection authorizes the State Fire Marshal to standardize all existing fire protective equipment throughout the state.

This bill would authorize any public entity, as defined, to place blue reflective pavement markers in any highway, street, or road for marking fire hydrant locations and water supply locations. The bill would prohibit use of blue reflective pavement markers for any other purpose. The bill would not apply to freeways or freeway ramps and would prohibit a public entity from placing those markers on a state highway unless it first obtains an encroachment permit from the Department of Transportation

(2) Existing law requires the board of supervisors of each county, by resolution, to adopt a final budget for the county no later than August 30th of each year.

This bill would permit a county board of supervisors to delay adoption of the county's final budget for the 1983–84 fiscal year until October 15, 1983.

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

Ch. 571 (AB 823) Bergeson County water district directors.

Under existing law, directors of a county water district are required to be voters of the district. Where directors are elected from divisions, they are required to be residents of the division from which they are elected by the voters of the entire district.

This bill would make a presumption that a vacancy exists on a district board if a director's place of residence is moved outside district boundaries or outside the boundaries of that director's division where elected from a division, and if the director does not establish, within 180 days of the move or the effective date of the bill, a place of residence within the district or the director's division.

Ch. 572 (AB 853) Tanner. Peace officers.

Existing law authorizes specified peace officers to inspect premises licensed by the Department of Alcoholic Beverage Control, as prescribed. Existing law does not expressly authorize members of the California State Police and peace officers of the Department of Parks and Recreation to inspect such premises located on state property.

This bill would authorize the above-described peace officers to inspect premises located on state property which sell alcoholic beverages.

Ch. 573 (AB 1017) Killea. Sexual assaults.

Under existing law, the Department of Justice is required to adopt a standard medical form for examination of sexual assaults. The standard medical form is subject to the same principles of confidentiality applied to any other medical record except that information in the form may be released by the Department of Justice for statistical purposes if all personal identifying information is deleted. Existing law requires each physician conducting an examination for sexual assault in a general acute care hospital to use the forms.

This bill would instead require the State Department of Health Services, in cooperation with the Department of Justice, to adopt the standard medical form for examination of sexual assaults. The bill would delete the Department of Justice's specific authorization for release of the information for statistical purposes. The bill would permit alternative use of child abuse medical report forms for suspected sexual assault of a child.

Ch. 574 (AB 1093) Mojonnier Gifts or donations. acceptance by Director of Corrections.

Existing law generally requires that gifts to the state shall be subject to the approval of the Director of Finance.

This bill would provide that, notwithstanding that requirement, the Director of Corrections may accept a gift or donation of goods or services following a review and determination that the gift or donation is not subject to illegal or discriminatory conditions, does not involve an expenditure of state funds, and acceptance is in the best interests of the state.

This bill would also provide that, notwithstanding the above, the acceptance of a gift or donation involving any expenditure of state funds shall be subject to approval of the Director of Finance.

Ch. 575 (AB 1243) Davis Education. Graduate fellowship program.

Under existing law, the Student Aid Commission administers a state competitive graduate fellowship program.

This bill would require at least 20% of all new graduate fellowships awarded on or after January 1, 1984, to be in the fields of mathematics, engineering, science, technology, and the teaching of mathematics or science, until the survey of the state's human resource needs, which the bill would require the commission to conduct at least every 4 years, demonstrates that the human resource needs of the state no longer justify that percentage.

Ch. 576 (AB 1308) Agnos Crimes. transit districts.

Under existing law, the evasion of fares, misuse of transfers, playing sound equipment in a clearly audible manner, smoking, eating, or drinking in areas where those activities are prohibited, expectorating, or willfully disturbing others by boisterous or unruly behavior, on or in the facilities or vehicles of a public transit system is an infraction punishable by a fine not to exceed $50.

This bill would make those acts in or on the facilities of, or vehicles operated by entities subsidized by, the Department of Transportation, an infraction.

This bill would make community service for a period not to exceed 20 hours over a period of days not to exceed 30 days, as specified, an alternative to the $50 fine.

The bill would mandate a new program or higher level of service in local government by expanding the scope of the existing crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 577 (AB 1369) Peace. Irrigation district: officers.

Under the Irrigation District Law, the board of directors of an irrigation district is required to elect a president from its members and may elect a vice president who shall have the power to perform all the duties of the president in the absence of the president.

This bill would authorize the board of directors of an irrigation district containing more than 500,000 acres to, instead, elect a chairperson and vice chairperson from its members and to designate a chief staff person to be known as the president.

Ch. 578 (AB 1902) Seastrand. State employment.

Existing law generally provides that, for the purpose of appointing persons to civil service positions, examinations administrated by the State Personnel Board shall be conducted and, on the basis of those examinations the employment list shall be established.

This bill would, with respect to examinations for those classes designated as supervisory level peace officers in the Departments of Corrections and Youth Authority, require the examination to be job related and to include measurable examination components which allow for objective scoring of applicants' responses, as developed by the State Personnel Board.

Ch. 579 (AB 2021) Alatorre. Medi-Cal: primary care case management: contracts.

Existing law authorizes the State Department of Health Services to contract with providers for health care services, including primary care case management, for recipients under the Medi-Cal program.

This bill would require that, as a prerequisite to any contract for primary care case management, the department shall provide public notice of its intent to enter into such contract.

Ch 580 (AB 569) Johnston. Evidence: sexual assault victim counselors.

Under existing law, a victim of a sexual assault, whether or not a party to a proceeding, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor, as specified.

A "sexual assault victim counselor" is defined as a person whose primary purpose is the rendering of advice or assistance to victims of sexual assault, as specified, and who is registered with the Division of Allied Health Professions of the Board of Medical Quality Assurance. In order to so register, a person must be a psychotherapist, as defined; possess a specified degree; or have certain training or experience.

This bill would revise the definition of a "sexual assault victim counselor" by deleting the requirement that such a person must be registered with the Division of Allied Health Professions of the Board of Medical Quality Assurance, by requiring that such a person have a certificate evidencing completion of a training program in the counseling of sexual assault victims issued by certain counseling centers, and by providing that a person who renders the specified advice or assistance comes within that definition if he or she is a psychotherapist or possesses a specified degree, or has specified training or experience.

The Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings must be enacted by a ⅔ vote of the membership in each house of the Legislature.

Ch. 581 (AB 1228) Connelly. Fictitious business name statements: expiration.

Existing law requires the county clerk, not later than a certain date, to send a notice to the principal place of business of each registrant of a fictitious business name statement of the date on which the statement will expire and the file number assigned to the statement, and provides that failure to do so does not continue the statement in effect after its expiration date.

This bill instead would require the county clerk to note the date of expiration on the fictitious business name statement form and would thus impose a state-mandated local 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 582 (AB 1231) Alatorre Surplus state land. sale to local agencies. reversion.

Existing law provides that surplus state land which is not needed by any state agency shall be offered to local governmental agencies at fair market value, except that surplus state land may be offered at less than fair market value if it is to be used for park and recreation purposes, for open-space purposes, for housing low- and moderate-income persons, or when transferred to a housing sponsor, as specified

This bill would provide that no surplus state land shall be sold to public or private persons or agencies for less than fair market value unless the sale contract provides for the reversion thereof to the state if the stated purpose for which the property is sold is not achieved.

Ch. 583 (AB 1423) Keller. Commemorative California gold medallions

Existing law requires the Department of General Services to cause to be designed a series of commemorative gold medallions minted of California-produced gold bullion of specific weight and purity.

This bill would delete the requirement that the medallions be minted of California-produced gold bullion

Existing law requires the department to contract for the minting of gold medallions upon a sufficient showing of interest by California gold producers, and requires the California gold producers to provide all gold bullion necessary for minting.

This bill would delete the requirement that the producers be California gold producers.

Ch 584 (AB 1702) Elder Coastal zone wetlands

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

At the present, certain designated ports in the state may perform various developments covered under specific provisions of the act. Under existing law, after a port master plan has been certified by the California Coastal Commission, the coastal development permit authority is delegated to the appropriate port governing body, except that approval of designated categories of developments may be appealed to the commission

This bill would prohibit the commission from considering maintenance dredging in its review and approval of any of those designated categories of developments, if the dredging is part of, or is associated with, any of those developments, and make other nonsubstantive changes in those provisions

Ch 585 (AB 1687) Mojonnier Voting procedures

Existing law makes it a felony to damage or tamper with voting systems or devices.

This bill would impose a state-mandated local program by requiring notices to be placed on posted signs, to be provided by the Secretary of State, notifying voters of the existing 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.

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, 1990, the provisions contained in the bill for which state reimbursement is required

Ch. 586 (AB 1886) Harris. Electronic data processing.

Existing law provides for the acquisition of electronic data-processing goods and services by state agencies.

This bill would make legislative declarations and would create within the Public Contract Code provisions, as specified, governing the acquisition of electronic data-processing goods and services by the Southern California Rapid Transit District.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by requiring the Southern California Rapid Transit District to comply with certain procedures, as specified, when acquiring electronic data-processing goods and services.

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. 587 (AB 722) Hill. Alcoholic beverages

Existing law authorizes the Department of Alcoholic Beverage Control to remove or modify conditions which were placed on a license issued by the department upon, among other things, the filing of a petition by the licensee or a transferee requesting the removal or modification of those conditions

This bill would require that any petition for the removal or modification of any of those conditions is to be accompanied by a fee of $100.

Ch. 588 (AB 743) Elder. Teachers' Retirement Board: composition.

The State Teachers' Retirement Law presently provides that the system is administered by the 9-member Teachers' Retirement Board, one of the members of which must be a member or a retirant of the system and is appointed by the Governor for a 4-year term, as specified.

This bill would increase the membership of the board from 9 to 11 by, instead, requiring one member to be a member of the system and another member to be a retirant of the system, both of which would be so appointed by the Governor and by adding a member representing the public, who shall be appointed by the Governor for a 4-year term.

This bill would also appropriate $4,000 from the Teachers' Retirement Fund to pay the costs of implementing this act during fiscal year 1983–84.

Ch. 589 (AB 509) M. Waters. Board of Dental Examiners.

Existing law provides for a 12-member Board of Dental Examiners, consisting of 8 dentists and 4 public members.

This bill would increase the membership of the board by adding one registered dental hygienist to be appointed by the Governor on or after January 1, 1984 The initial term of the dental hygienist member would expire on January 1, 1988.

Ch. 590 (SB 924) Maddy. Grand juries: powers.

Under existing law, a grand jury may at any time examine the books and records of any incorporated city or joint powers agency located in the county which pertain to fiscal matters.

This bill would instead authorize a grand jury at any time to examine the books and records of any incorporated city or joint powers agency located in the county with respect to any matter and further authorize the grand jury to investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any incorporated city or joint powers agency.

Ch. 591 (SB 472) Foran. Claims against the state.

Existing law provides that the State Board of Control, by rule, may authorize any state agency, as defined, to pay claims where the settlement does not exceed $1,000 and where the Department of Finance certifies that a sufficient appropriation for the payment of the claim exists.

Existing law also provides that payments of claims shall be made only upon approval of the settlement of the board.

This bill would except claims under $100 from the above requirements that the Director of Finance must certify that a sufficient appropriation for the payment of the claim exists and that the payment shall be made only upon approval of the settlement by the board.

Ch. 592 (SB 755) Nielsen. Cattle inspection.

Existing law requires that cattle be inspected at specified times and in specified locations.

This bill would require that cattle be inspected when being transported, as defined, from one area to another, as well as when being moved between areas. The bill would also make related changes to the laws regarding instances in which inspection is not required.

The bill would incorporate additional changes in Section 21059 of the Food and Agricultural Code made by AB 475 only if both bills are chaptered and this bill is chaptered last.

Ch. 593 (AB 136) Kelley. Economic poisons. county agricultural commissioners.

Under existing law, a county agricultural commissioner may adopt regulations which are supplemental to those of the Director of Food and Agriculture which govern the conduct of pest control operations and records and reports of those operations. These regulations are not operative unless they are approved by the director.

This bill would require the director, in his or her review of the commissioner's regulations, to consider, but not be limited to considering, the necessity, authority, clarity, and consistency of the regulations, as these terms are defined in the Administrative Procedure Act

Ch. 594 (AB 535) Campbell. Architects: architectural corporations.

Existing law authorizes a corporation organized under the General Corporation Law to employ licensed architects to perform architectural services for third persons The law does not provide for incorporation of architects under the Moscone-Knox Professional Corporation Act.

This bill would provide for the incorporation of architects under the Moscone-Knox Professional Corporation Act.

Ch. 595 (AB 590) Bane Horseracing. California Standardbred Sires Stakes Program.

(1) Existing law defines a "California-bred horse" for purposes of the Horse Racing Law.

This bill would define a "California-bred standardbred horse" for those purposes and would revise the definition of "standardbred breeder." The bill would change the requirements for horses eligible to race in the California Standardbred Sires Stakes Program.

(2) Under existing law, until December 31, 1986, all breakage from harness racing meetings is required to be used to fund the California Standardbred Sires Stakes Program After December 31, 1986, ½ of the breakage is required to be used to fund the

California Standardbred Sires Stakes Program and ½ of the breakage is required to be distributed for license fees, commissions, or purses.

This bill would change the law to require after December 31, 1986, that all breakage from harness racing meetings continue to be used to fund the California Standardbred Sires Stakes Program.

(3) Under existing law, until December 31, 1986, associations conducting harness racing meetings other than specified fair meetings are required to retain an additional 1% of the parimutuel pool for distribution equally as license fees, commissions, and purses, but after December 31, 1986, the harness racing associations are required to retain only an additional 0 5% of the parimutuel pool for these distributions. Harness racing associations conducting the specified fair meetings are required until December 31, 1986, to retain an additional 1% of the parimutuel pool for distribution as additional commissions.

This bill would continue the additional 1% retention for harness racing meetings other than specified fair meetings after December 31, 1986, instead of an additional 0.5%. The bill would require harness racing associations conducting the specified fair meetings to continue to retain an additional 1% after December 31, 1986, for distribution as additional commissions.

Ch. 596 (AB 1016) Killea. 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 one city, a 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 one member representing the general public. A commission may be augmented to 7 members by the addition of 2 members representing special districts within the county

This bill would require that for San Diego County, the local agency formation commission of which consists of 7 members, there be an 8th member, and an alternate, who shall be a member of the legislative body of the largest city in the county, appointed by the legislative body of that city for a term commencing January 1, 1984.

This bill would impose a state-mandated local program by enlarging a local agency formation commission to 8 members, and requiring the City of San Diego to reimburse the county for the additional costs incurred by the county on behalf of the additional members serving on the commission pursuant to 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.

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

Ch. 597 (AB 1112) Papan. Boating and waterways.

(1) Under existing law, any contract for a small craft harbor loan from the Department of Boating and Waterways to a city, county, or district is required to establish a rate to be charged for the use of the boating facilities. The local agency is required to review berthing charges of other public and privately owned boating facilities in the general area and to set rates at comparable levels.

This bill would delete the requirement to set rates at comparable levels, and would require the department to concern itself with the rates charged only to ensure specified matters. The bill would require the department to monitor the rates to ensure that the charges are reasonable and not exorbitant.

(2) Under existing law, the Governor, in making appointments to the Boating and Waterways Commission, is required to give primary consideration to geographical location of the residence of members as related to boating activities and harbors, and one member is required to be a private small craft harbor owner and operator. This bill would require that, in addition to geographical considerations, the members be appoint-

ed with regard to their special interests in recreational boating, and would require at least one member to be appointed who is a member of a recognized statewide organization representing recreational boaters.

Ch. 598 (AB 1368) Moorhead. Health: public health nurses.

Under existing law, the State Department of Health Services, after consultation with and approval by the Conference of Local Health Officers, is required to establish standards of education and experience for professional and technical personnel employed in local health departments.

This bill would make Legislative findings regarding conflicting definitions and qualifications of public health nurses. The bill would prohibit any individual from holding himself or herself out as a public health nurse or holding a title with the term "public health nurse," and would prohibit a county employer from holding any employee out as a public health nurse or granting a title to any employee including the term "public health nurse," unless the employee holds a valid California public health nurse certificate pursuant to specified departmental regulations.

Ch 599 (AB 1499) Killea. San Diego Metropolitan Transit Development Board: financing.

Under the Mills-Deddeh Transit Development Act, the San Diego Transit Development Board is authorized to plan and construct exclusive public mass transit guideways and to acquire, construct, maintain, and operate public transit systems and related transportation facilities and services.

This bill would authorize the board to invest surplus money in its treasury in specified securities. The bill would authorize the board to issue revenue bonds under the Revenue Bond Law of 1941 and to purchase transit equipment using equipment trust certificates, copies of which certificates are required to be filed with the Secretary of State, who would be entitled to a fee of $1 for each copy filed.

The bill would authorize the board to construct and acquire improvements of benefit under the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 to be paid from benefit assessments on property in the area of the board.

The bill would also authorize the board to borrow money in a specified manner and also to issue bond anticipation notes.

The bill would also provide for related matters.

Ch. 600 (AB 1679) Elder Coastal zone: development: universities and colleges.

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 requires, with exceptions, any person wishing to perform or undertake any development in the coastal zone to obtain a coastal development permit in conformance with these policies. Under the act, plans for public works or state university or college long-range land use development plans may be submitted to the California Coastal Commission for review and approval, as prescribed, as an alternative to project-by-project review.

This bill would, in addition, permit private universities to submit long-range land use development plans to the commission for review and approval, under these provisions.

Ch. 601 (AB 1761) M. Waters Victims of crimes.

Existing law provides for financial assistance to victims of a crime of violence who, as a direct result of a crime, suffer pecuniary loss which they are unable to recoup without suffering serious financial hardship, as specified An application must be filed seeking financial assistance within one year after the date of the crime, unless an extension is granted by the State Board of Control.

This bill would set the period for filing an application to 5 years after the date of the crime if the claim is for psychological or psychiatric treatment costs.

Ch. 602 (AB 1812) Campbell. Redevelopment

(1) Existing provisions of the Community Redevelopment Law require a community, as defined, to have a planning commission established pursuant to law or charter.

This bill would, instead, require the community to have a planning agency established

pursuant to law or charter

(2) The existing Community Redevelopment Law authorizes redevelopment plans to contain provisions authorizing financing of redevelopment by allocation to the redevelopment agency of a portion of the property tax revenues produced by property within the redevelopment project area. The portion of tax revenues so allocated is derived from increases in assessed valuation of property in the project area occurring after adoption of the final redevelopment plan, and this method of financing redevelopment is known as "tax-increment financing." Existing law specifies that those tax increment proceeds are not allocable and payable to the redevelopment agency for the first time until the fiscal year that commences after the January 1st following the transmittal of specified documents to, among others, the auditor and tax assessor of the county in which the project is located and the State Board of Equalization.

This bill would provide that a redevelopment agency which, among other things, adopted a redevelopment plan that became effective after July 1, 1982, but prior to August 20, 1982, would be eligible to be allocated and paid tax increment proceeds for the first time during the fiscal year commencing July 1, 1983, if the specified documents are filed with those officials and entities prior to the effective date of the bill.

These provisions of the bill would be repealed effective January 1, 1985.

(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 impose a state-mandated local program by requiring county officials to make the adjustments necessary to allocate and pay the tax increment proceeds as specified in the bill

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) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 603 (AB 1821) Seastrand State Teachers' Retirement System.

Existing law authorizes the Teachers' Retirement Board to transfer and disburse funds from the Teachers' Retirement Fund, as specified.

This bill would authorize the board to disburse funds from this fund for specified purposes without further appropriation.

The bill would take effect immediately as an urgency statute.

Ch 604 (AB 1953) M Waters. Polling places: schools.

Existing law allows the governing body having jurisdiction over school buildings or other public buildings to allow the use of those buildings for polling places on any election day

This bill would impose a state-mandated local program on the governing bodies by requiring the use of school buildings, as specified, for polling places when so requested by a city or county 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 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. 605 (AB 1997) Tanner. Sales and use tax: exemption. alterations.

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 the sale or use is exempted from the tax. The tax is imposed on retailers for the privilege of doing a retail sales business.

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 provide that operators of cleaning and dyeing establishments meeting specified criteria are, for purposes of sales and use taxes, consumers of, and not retailers with respect to, property used or furnished in altering new or used clothing.

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, the bill's operative date would depend upon its effective date.

Ch. 606 (AB 2175) Bader Community facilities.

(1) Existing law requires local agency formation commissions (LAFCOs) to review and approve or disapprove proposals for, among other things, the formation of special districts.

This bill would provide that LAFCOs shall not have the power or duty to review and approve or disapprove a proposal to create a community facilities district or a proposal to annex territory to, or detach territory from, such district.

(2) Existing law authorizes the creation of community facilities districts and authorizes the legislative body of a community facilities district to issue bonds for specified purposes.

This bill would specify that the amount of the proposed debt may include all costs and estimated costs incidental to, or connected with, the purpose for which the proposed debt is to be incurred, including, among other things, the acquisition of buildings and land and the payment of specified fees.

(3) Existing law defines the terms "district" and "special district" and specifically provides that various entities are not included within those terms.

This bill would specify that community facilities districts, as specified, are not to be included within the meaning of those terms for certain purposes

(4) The provisions of the bill would take effect immediately as an urgency statute.

Ch. 607 (AB 2146) McClintock. Alcoholic beverages. temporary beer and wine licenses

Existing law authorizes the Department of Alcoholic Beverage Control to issue special licenses for the sale of beer or wine on a temporary basis at a fee of $5 50 per day

This bill would instead authorize the fee to be charged to be an amount equal to the actual cost of issuing the license but not to exceed $25.

Ch. 608 (SB 270) Dills. Air pollution

(1) Existing law authorizes air pollution control districts and air quality management districts to establish a permit system for any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, except for vehicles and exempted articles, machines, equipment, and contrivances.

This bill would authorize the Great Basin Air Pollution Control District to require the City of Los Angeles to undertake mitigation measures with respect to the air quality impacts of its activities in the production, diversion, storage, or conveyance of water, and to require the city to pay reasonable fees for the development of mitigation measures and related air quality analysis, and thus the bill would impose a state-mandated local program. The bill would authorize the city to appeal any measures or fees to the State Air Resources Board and provide for a court appeal of the state board's decision by either the city or district.

(2) Existing law makes any person who violates specified provisions relating to discharges of air contaminants or rules or regulations of air quality management districts or air pollution control districts or the state board, liable for a civil penalty not to exceed $1,000 per day.

This bill would make any person who violates an order issued by the Great Basin Air Pollution Control District imposing mitigation measures upon the City of Los Angeles liable for the same civil penalty

(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. 609 (SB 648) Richardson. Community facilities.

(1) Chapters 1439 and 1451 of the Statutes of 1982 each enacted a Mello-Roos Community Facilities Act of 1982. Existing provisions contained in both of those chapters authorize the establishment of a community facilities district to provide specified facilities and services. The term "services" is defined for purposes of those provisions as meaning the performance by employees of functions, operations, and maintenance and repair activities in order to provide the public with police and fire protection.

This bill would redefine the term "services" for purposes of those provisions as meaning the provision of police and fire protection services, recreation programs, and the operation and maintenance of parks and parkways, including, the performance by employees of functions, operations, maintenance, and repair activities.

(2) Existing law permits the legislative body to submit the levy of any special taxes to the qualified electors of the proposed community facilities district at the next General Election or in a special election to be held within 90 days following the close of the protest hearing, whichever date occurs first.

This bill would instead, require the legislative body to submit the levy of the special taxes to the electors of the proposed community facilities district in the next General Election or any special election to be held at least 90 days, but not more than 180 days, following the close of the protest hearing, whichever election date occurs first.

Ch 610 (SB 839) McCorquodale. Santa Clara Valley Water District.

(1) Under existing law, the Santa Clara Valley Water District is authorized to borrow money by the issuance of revenue bonds pursuant to the Revenue Bond Law of 1941.

This bill would authorize the district to issue revenue bonds in accordance with the Revenue Bond Law of 1941 to finance facilities for the storage, treatment, reclamation, transmission, or distribution of water and for the generation or transmission of electric power. The bill would require the issuance of the bonds to be approved by the voters at a special election, as prescribed.

The bill would also authorize the district to borrow money for any district purpose by the issuance of short-term notes, not to exceed the amount of $4,000,000, subject to specified terms and conditions

(2) Under existing law, the district is authorized to levy and collect a groundwater charge in accordance with prescribed procedures. The charge is required to be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a higher fixed and uniform rate per acre-foot for all water other than agricultural water.

This bill would delete provisions specifying the maximum rates for the groundwater charge through June 30, 1986. The bill would revise requirements applicable to the filing with the district of water production statements by each owner or operator of a water-producing facility, and would authorize the district to levy an annual charge upon a water-producing facility for which no production has been recorded but which has not been permanently abandoned. The bill would make related changes.

Ch 611 (AB 268) M. Waters Health care service plans

(1) Existing law makes it unlawful for any person licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 to represent or imply in any manner that the person has been referred, recommended, or approved, or that the person's abilities or qualifications have been passed upon, by the Commissioner of Corporations.

This bill would specify that a plan is included as a person for the purpose of the

provision and would make the provision applicable to any person subject to the act, rather than licensed pursuant to the act.

(2) Under the existing provisions of the act, the Commissioner of Corporations requires the use by each plan of disclosure forms or material containing certain information regarding the benefits, services, and terms of the plan contract, as specified, and includes a requirement that (a) group contracts present a completed disclosure form to the contract holder upon delivery of the plan agreement, and (b) group contract holders disseminate copies of the completed disclosure form to all persons eligible under the group contract at the time those persons are offered the plan.

This bill would also require those plans to include an evidence of coverage upon delivery to the contract holder and would further require group contract holders to disseminate or cause to be disseminated copies of the evidence of coverage to all subscribers enrolled under the group contract. The bill would provide that the provisions of the evidence of coverage are binding upon the plan notwithstanding any provisions in the group contract which may be less favorable to subscribers or enrollees.

(3) Under the existing provisions of the act, all licensed plans are required to establish procedures to permit subscribers and enrollees to participate in establishing the public policy of the plan. Existing law also requires all licensed plans to have and demonstrate to the commissioner that the plan has a fiscally sound operation and adequate provisions against the risk of insolvency and has assumed full financial risk on a prospective basis for the provision of covered health care services, as prescribed.

This bill would make those requirements applicable to all plans, rather than to licensed plans only.

(4) Under the existing provisions of the act, the Commissioner of Corporations is authorized to issue cease and desist orders respecting violations of the act, but, except under specified circumstances, is authorized to provide an automatic stay of the order if a timely request for a hearing is made

This bill would authorize those timely requests to be made by a licensed plan and would authorize the commissioner, for an unlicensed plan, to stay the effect of the order to the extent that the order requires the cessation of operation of the plan or prohibits acceptance of new members by the plan, for a period and subject to conditions as the commissioner may require, as prescribed.

(5) The willful violation of the Knox-Keene Health Care Service Plan Act of 1975 is punishable by a fine, by imprisonment in a state prison or county jail, or by both a fine and imprisonment.

This bill, by extending to all persons subject to the act the provision thereof which makes certain misrepresentations unlawful and extending the various provisions of the act to include all plans rather than only licensed plans, would create a state-mandated local program.

(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. 612 (AB 316) Cortese Assessment districts: water districts.

(1) Under the Municipal Improvement Act of 1913, assessment districts may be formed to construct improvements on lands which will be benefited.

This bill would authorize an assessment under the act for flood control facilities to be levied against each parcel on the basis of the proportional storm water runoff from the parcel

(2) Under existing law, districts organized under the Water Conservation District Law of 1931 are not authorized to adopt ordinances.

This bill would authorize those districts, in exercising their powers over lands, structures, and facilities in which the district has a real property interest, to act by ordinance enacted in accordance with prescribed procedures, but would make this authority inapplicable to a district lying within another district having and exercising the authority to adopt and enforce ordinances for the same purposes

(3) Under existing law, members of the Board of Directors of the Santa Clara Valley Water District receive compensation for each day's attendance at board meetings as established by the Board of Supervisors of Santa Clara County, and, in addition, receive actual and necessary expenses while engaged in official business.

This bill would, instead, permit the board of directors to authorize each director to receive compensation not exceeding $100 per day for each day's attendance at meetings of the board, or committees thereof, or for each day's service rendered as a director by request of the board, and would generally prohibit any director from receiving total compensation, other than for actual and necessary expenses, in excess of $600 per month.

(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 impose a state-mandated local program by making violation of any ordinance enacted by a water conservation district a misdemeanor, punishable as prescribed.

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

Ch. 613 (AB 495) Frizzelle. Firearms.

Existing law requires that persons who sell pistols, revolvers, and other concealable firearms be licensed and transmit records of transactions involving such weapons to the Department of Justice.

This bill would require the Department of Justice to prepare a pamphlet summarizing California firearm laws as they pertain to persons other than law enforcement and military personnel. Copies of the summary would be offered through the Department of General Services to licensed dealers at actual cost for sale to the purchasers of such firearms Other interested parties could purchase copies directly from the Department of General Services. Receipts from the sale of the pamphlets would be deposited as reimbursements to the support appropriation for the Department of Justice

Ch. 614 (AB 587) Frazee. 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 direct the director to sell, exchange, or lease, according to the best interest of the state, specified real property located in the County of San Diego, but excepting and reserving to the state all mineral deposits, as defined, below 500 feet, without surface rights of entry, with the approval of the State Public Works Board. Any money received from the disposition of the parcel shall be paid to the General Fund with any cost or expenses incurred reimbursed from the proceeds of the disposition

Ch. 615 (AB 692) Katz. Department of the California Highway Patrol supplemental law enforcement services

Existing law does not authorize the Department of the California Highway Patrol to contract with persons, firms, copartnerships, associations, or corporations to provide supplemental law enforcement services.

This bill would authorize the department to enter into such contracts under terms providing reimbursement for the full costs, as defined, of providing the services. Moneys received under the contracts would be deposited in the Motor Vehicle Account in the State Transportation Fund, and would be continuously appropriated to fund services provided under the contracts. Under the bill, supplemental law enforcement services could be provided on highways within the jurisdiction of the department, and in other areas when incidental to the performance of the contract. The bill would require the Commissioner of the California Highway Patrol to annually report to the Department of Finance and the Legislature the amount of contract fees and services provided

The bill would take effect immediately as an urgency statute, and its provisions would be repealed on June 30, 1986.

Ch. 616 (AB 872) Jones Education: juvenile court schools.

(1) Existing law specifies that its purpose is to provide for the administration and operation of public schools in various institutions including any group home with an acceptable onsite school structure and housing 25 or more children placed pursuant to specified statutory provisions, and defines these institutions as juvenile court schools.

This bill would delete the requirement that the group home have an onsite school structure, and would add to the list of institutions which are affected by these provisions, and which are defined as juvenile court schools, any group home housing 25 or more children placed pursuant to specified statutory provisions, and operating one or more additional sites under a central administration with an acceptable school structure at one or more centrally located sites.

(2) Existing law requires each public school district to accept for credit any coursework satisfactorily completed by a student while in a juvenile court school, as defined.

This bill would impose a state-mandated local program by requiring each public school district to accept for credit any coursework satisfactorily completed by a student while in any county or state-operated institution for dependent or delinquent children.

(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. 617 (AB 886) Kelley. Geothermal resources. state lands

Presently, the Geothermal Resources Act prohibits the granting of a geological or geophysical exploration permit or lease for state lands for the production of geothermal energy for less than 640 acres, except where a parcel is isolated from or not contiguous with other parcels of land available for a permit or lease. The act also allows the owner of the surface rights of lands on which an application has been made for a permit or lease to file an application for the permit or lease within 6 months of notification of that application.

This bill would allow a permit or lease on a parcel of less than 640 acres if the parcel would otherwise be subject to surface-owner leasing rights by more than one surface owner and would also reduce the period during which an owner of the surface rights may make an application for a permit or lease from 6 to 4 months. The bill would make changes in the procedure in submitting a notice of that application, and extend from 10 to 30 days, after notification of the highest competitive bid, the period in which an owner of the surface lands may submit a bid identical to the highest acceptable bid.

Ch. 618 (AB 896) Cortese. State employees: letters of reprimand; distribution of shared savings.

Existing law authorizes various forms of disciplinary action against state civil service employees.

This bill would require that letters of reprimand shall be removed from the personnel file of the state employee and destroyed not later than 3 years from the date the letters were issued.

Existing law authorizes the distribution to state employees of budget savings derived from productivity increases under a shared savings program according to specified percentages. The distribution is required to be made from the appropriation available for the support of the affected state agency.

This bill would provide that, notwithstanding the above provision, budget savings derived from productivity increases for work funded from funds restricted by law as to their uses shall be retained by, or returned to, that fund or distributed to state employees according to specified percentages.

Ch. 619 (AB 1033) Goggin. Maintenance of driving logs: penalties.

Existing law requires the California Highway Patrol to adopt regulations for the safe operation of specified trucks and buses. Violation of the regulations is generally an infraction punishable by a maximum fine of $50, with a $100 maximum fine for the 2nd conviction in a year and a $250 maximum fine for the 3rd or subsequent conviction in

a year

This bill would make violation of the above regulations relative to maintenance of driving logs punishable by a fine of $500.

Ch. 620 (AB 1142) Rogers. Kern County Water Agency: elections.

Under existing law, the agency election of the Kern County Water Agency is consolidated with the general election held in even-numbered years, but each candidate for director is required to declare his candidacy in the same manner as candidates for county supervisor.

This bill would, instead, provide for directors to declare their candidacy not less than 88 days and not more than 113 days before the general election, and would make related changes.

Ch. 621 (AB 1167) Connelly. Records of Medi-Cal services contracts

Existing provisions of the California Public Records Act generally require state agencies to keep open to inspection at all times during office hours any public record, as defined, and exempts from disclosure requirements specific types of records

Existing law exempts from disclosure requirements records of state agencies relating to the contracting for delivery of Medi-Cal services by providers, as specified, if the records reveal the Medi-Cal special negotiator's deliberative processes, impressions, opinions, and recommendations, among other things. It further provides that all or portions of those contracts may be exempted from the provisions relating to public records under the terms of each contract.

This bill would include within the exemption from disclosure state agency records that reveal the special negotiator's communications, or any other portion of the negotiations with providers of health care services. It would provide that contracts or amendments thereto, entered into on or after January 1, 1984, for inpatient Medi-Cal services by providers shall be open to inspection one year after they are fully executed. It would also provide that contracts entered into by the California Medical Assistance Commission for other than inpatient hospital services shall be open to inspection one year after they are fully executed.

This bill would provide that its provisions shall not be construed as preventing the disclosure of relevant financing information to a certified bargaining agent, pursuant to federal law, and would make a technical change regarding records maintained by the Native American Heritage Commission

Ch. 622 (AB 1774) Papan. Electric and gas service. master-meter customers.

Existing law requires the Public Utilities Commission to set electric and gas rates for master-meter customers at a level that enables the master-meter customer to recover the costs of operating its submeter system at a cost to the users of the electric or gas service no greater than if the corporation furnished service directly through individual meters.

This bill would require the electrical or gas corporation furnishing service to a master-meter customer to furnish each user of the service under the submeter system with public safety customer services comparable to those provided beyond the meter to the corporation's other residential customers without additional charge unless the corporation has, on January 1, 1984, included the average cost of these services in the rate differential provided the master-meter customer, in which case the bill would direct the commission to deduct the average cost of providing these services when approving rate differentials for master-meter customers. The bill would make the master-meter customer, and not the electrical or gas corporation, responsible for repair and maintenance of the submeter system. The bill would also require every master-meter customer to provide itemized billing of electric and gas charges to the users, and to post a listing of the public safety customer services and the applicable prevailing residential rate schedules in a conspicuous place. It would direct the corporation to notify its master-meter customers of these requirements.

Ch 623 (AB 1809) Tanner Highways hazardous spills.

Existing law vests authority for the management of the scene of an on-highway hazardous spill or disaster with the law enforcement agency having primary traffic inves-

tigative authority on the highway. However, the law enforcement agency having primary traffic investigative authority may, under existing law, enter into written agreements with other public agencies for the management of an on-highway hazardous spill or disaster on local streets and roads other than freeways.

This bill would define management functions for purposes of the existing law and specify that management responsibilities do not cease until emergency operations at the scene have been completed and order restored.

Ch. 624 (AB 1994) Tanner. Swimming pool contractors.

Existing law defines a swimming pool contractor for purposes of licensing requirements of the Contractors Licensing Law as any person who constructs any swimming pool, as specified. The term "swimming pool" is not defined. A violation of the licensing requirement is a misdemeanor.

This bill would include a spa or hot tub which is to be permanently installed within the definition of "swimming pool", and thus, any person who constructs any spa or hot tub which is to be permanently installed would be guilty of a misdemeanor if he or she is not licensed as a swimming pool contractor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 mandate a new program or higher level of service on local government by creating new crimes.

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 for a specified reason.

Ch. 625 (AB 1334) Baker. Civil engineering and land surveying.

Existing law provides that the practice of civil engineering includes land surveying, as defined, provided that civil engineers who become registered after January 1, 1982, are required to pass the second division examination for land surveyors before practicing land surveying.

This bill would provide instead that civil engineers registered prior to January 1, 1982, shall be authorized to practice land surveying, as specified. The bill would authorize a civil engineer, who is not authorized to perform land surveying, to offer to practice or procure land surveying work provided all the land surveying work is performed by, or under the direction of, a person authorized to perform land surveying, as specified. The bill would set forth an analogous provision for land surveyors performing civil engineering work, as specified.

Existing law provides that a person who is registered as a civil engineer, among others, is qualified to take the second division of the examination for licensure as a land surveyor.

This bill would require that in order to be qualified for that examination the engineer shall have 2 years of actual experience in land surveying.

The bill would specifically include activities with respect to the alignment, elevation, or position of fixed works among those included in the statutory definition of the practice of civil engineering and the practice of land surveying.

The bill would also declare that the authority of a licensed land surveyor or registered civil engineer to prepare, sign, issue, stamp, or seal any map, plat, report, description, or other document shall be consistent with that person's authority to practice land surveying.

The bill would make related changes.

Ch. 626 (AB 2044) Bronzan. Controlled substances.

Existing law requires every person who is convicted of specified controlled substance offenses to pay an additional $50 as part of any fine imposed.

This bill would describe the $50 increment provided for in existing law as a criminal laboratory analysis fee and would add additional specified offenses to the above and require those persons convicted of any of the offenses to pay the criminal laboratory analysis fee in the amount of $50 whether or not any fine is imposed.

The bill would mandate a new program or higher level of service on local governments by imposing new duties on the county clerk.

Existing law establishes diversion programs for the treatment of defendants accused of specified crimes involving narcotics or drug abuse. Existing law authorizes the imposition of a fee up to $100, in the case of a defendant accused of a felony, to cover the cost of processing a request or application for diversion pursuant to those provisions.

This bill would additionally provide that the fee shall cover the cost of any criminal laboratory analysis. The bill would further provide that in counties served by criminalistics laboratories of the Department of Justice, amounts deposited in the criminalistics laboratories fund, after deduction of appropriate and reasonable county overhead charges attributable to the collection, would be required to be paid by the county treasurer once a month to the Controller for deposit in the State 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.

Ch. 627 (AB 2046) Bronzan. Youth Authority.

Existing law authorizes the Director of the Youth Authority to require persons committed to the Department of the Youth Authority to perform work necessary and proper to be done by the Department of Forestry, the Department of Parks and Recreation, and the Department of Fish and Game, by the Division of State Lands, by the United States Department of Agriculture, and by the federal officials and departments in charge of national forests and parks within this state.

This bill would include the Department of Water Resources within those agencies with respect to which the director can require persons committed to the authority to perform necessary and proper work.

Ch. 628 (AB 2135) Peace. Lavatories in public facilities.

(1) Existing law does not contain provisions which would limit the flow of hot water in lavatories of public facilities constructed after January 1, 1985 The bill would add this provision to existing law, as specified, thereby imposing a state-mandated local program.

(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.

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. 629 (AB 2092) Chacon. Special challenged ballot.

Existing law allows only those persons whose names appear on the index of registration for a particular precinct to vote at the precinct.

This bill would institute a special challenged ballot procedure. Under that procedure, which would be a state-mandated local program, a voter claiming to be registered to vote, can cast a special challenged ballot by voting a ballot, sealing it in an envelope with his or her signature, and having it placed in a challenged ballot container. The envelope would be printed in a color different than the envelope used for absentee ballots. A special challenged ballot would not be canvassed, except as provided, and the voter would be so notified.

The Secretary of State would be authorized to adopt appropriate regulations to assure the uniform application of this proposal.

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

and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 630 (AB 1840) Baker. Yacht and Ship Brokers Act.

Existing law provides, in the Yacht and Ship Brokers Act, for the regulation of the sale of yachts and ships, as defined, by brokers and salesmen.

(1) Under existing law, a licensed yacht and ship broker or salesman is prohibited from making a willfully negligent representation

This bill would instead prohibit grossly negligent representations.

(2) Under existing law, a broker is required to obtain a written authorization before engaging in certain transactions.

This bill would classify the authorization as either an offer to sell or to purchase and would make related changes concerning the contents of the authorization.

(3) Under existing law, an application by a broker or salesman for the renewal of a license which has expired is required to be affirmed or sworn to before a notary public or other authorized person.

This bill would delete this requirement of affirmation.

(4) Under existing law, a licensed broker is required to procure a bond and if a person suffers any loss or damage by reason, among other things, of a willfully negligent representation, an action may be commenced against the bond. After an action is commenced against the bond, or the bond is canceled, the broker is required to file for a new bond within 15 days after receiving notification from the Department of Boating and Waterways that a new bond is required to be filed, and if there is a failure to file the new bond, the broker's license may be suspended or revoked by the department.

This bill would instead permit an action against a bond due to a broker's grossly negligent representation and would authorize the department to require an additional bond in this case, would extend to 30 days the amount of time during which a broker is required to file for a new bond in the case of the bond's cancellation, and would delete the provision authorizing the revocation of a license for failure to file for a new or additional bond.

(5) Existing law prohibits the department from denying, suspending, or revoking a broker's or salesman's license without a hearing.

This bill would authorize the department to suspend a broker's license without a hearing for failure to file for a new bond within 30 days after receiving notification from the department that a new bond is required due to cancellation of the previous bond.

The bill would also provide that the suspension, expiration, or revocation of a license would not prevent the department from commencing or continuing a disciplinary proceeding, suspending or revoking the license, or taking any other action during the period in which the license may be renewed, reinstated, or reissued.

(6) Existing law makes a violation of the Yacht and Ship Broker's Act a misdemeanor punishable by a fine not exceeding $1,000, except that a willfull and knowledgeable violation may also be punishable by imprisonment of up to one year in the county jail.

This bill would impose a civil penalty of between $100 and $1,500 upon any person who violates that act or regulation promulgated pursuant to that act. The bill would also specify who could bring the action and the manner of assessing the amount of the penalty, and also would require the recovered penalties to be deposited into the Harbors and Watercraft Revolving Fund.

(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 impose a state-mandated local program by creating a new crime.

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

Ch. 631 (AB 1454) Elder. Demotions of state civil service managerial employees.

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.

Existing law also provides, 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 may 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

This bill would provide that the procedure concerning the demotion of managerial employees, as specified above, shall apply to persons who have been designated as managerial employees from the beginning of their current appointment. The bill would eliminate the requirement that the procedure could be utilized only upon the request of the appointing authority with the approval of the State Personnel Board.

Ch. 632 (AB 584) Wyman. Vehicles: windshield and windows: obstructions

(1) Existing law, with certain exceptions, 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

This bill would make this prohibition applicable to driving with the driver's clear vision through the windshield or side or rear windows obstructed by snow or ice.

(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 impose a state-mandated local program by creating a new infraction.

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

Ch. 633 (AB 1223) Condit. Air pollution: waste products: emissions offset.

(1) Existing law requires the State Air Resources Board to promulgate guidelines for the regulation and control of agricultural burning for each of the air basins established by the state board Every air pollution control district and air quality management district is authorized to establish a permit system requiring any person who builds, erects, alters, replaces, operates, or uses any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants, to obtain a permit

This bill would impose a state-mandated local program by requiring a district and the state board, in cooperation, to determine by July 1, 1984, and require the district to give any person who uses an agricultural waste product, forest waste product, or similar organic waste in a steam generator or to produce electrical energy a specified emissions offset credit because the agricultural waste product, forest waste product, or similar organic waste is not disposed of by open field burning or forest land burning.

(2) Existing law requires districts to provide mitigation measures to the state board for cogeneration projects smaller than 50 megawatts which receive permits without providing limited offsets in order that ambient air quality standards may be achieved and maintained

This bill would impose a state-mandated local program by requiring districts to also provide mitigation measures to the state board for inclusion in the next state implementation plan for offset credits provided to facilities utilizing agricultural waste products, forest waste products, or similar organic wastes.

(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. 634 (AB 1241) Davis. Housing: density bonuses.

Under existing law, a city, county, or city and county is required 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 require the locality to provide the above incentives, with specified exceptions, for condominium conversions which include at least 33% low- or moderate-income housing units, or, in the alternative, at least 15% for lower income households, as defined, if the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city, county, or city and county pursuant to these 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

This bill would impose a state-mandated local program by requiring specified local governmental entities to perform new duties with respect to the granting of incentives, as specified.

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

Ch. 635 (AB 2034) Bradley. Administrative hearings.

Existing law provides that the proceedings of an administrative hearing shall be reported by a phonographic reporter.

This bill would provide instead that the proceedings of an administrative hearing shall be reported by a phonographic reporter; except that, upon the consent of all the parties, the proceedings may be reported electronically

Ch. 636 (AB 1332) Baker. Youth Authority.

Existing law requires the Director of the Youth Authority to establish a system for the resolution of the grievances of persons committed to the Youth Authority, as specified.

This bill would revise this provision, excluding matters involving individual discipline from the system, eliminating an annual report by the Youth Authority on the system required by existing law, and providing that an annual evaluation of the system by an independent agency that is required by existing law shall instead be a biennial evaluation.

Ch. 637 (AB 332) O'Connell. Driving offenses: driving under the influence.

(1) Under existing law, persons convicted of a third and subsequent offense within 5 years of misdemeanor driving under the influence of an alcoholic beverage, with excessive blood alcohol, or when addicted are, upon conviction, punished by revocation of the driving privilege for 3 years, and sentencing of 120 days to a year in jail and a fine of $390 to $1,000. Terms of probation are required to include at least 120 days in jail and a fine of at least $390 with the revocation of the driving privilege.

This bill would limit that punishment to a third offense and would provide, for fourth or subsequent offenses within 5 years, for punishment by imprisonment in the county jail for 180 days to a year, and by a fine of $390 to $1,000 with revocation of the driving privilege for 4 years. The bill would require terms of probation to include at least 180

days in jail and a fine of at least $390 with the revocation of the driving privilege

(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 impose a state-mandated local program by increasing the penalty for a crime

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

Ch. 638 (SB 97) Marks Validations

This bill would enact the Third Validating Act of 1983, which would validate the organization, boundaries, acts, proceedings, and bonds of counties, cities, and specified districts, agencies, and entities.

Ch. 639 (AB 1826) Lancaster. Public employees' retirement systems

The existing Public Employees' Retirement Law defines, for retirement purposes, the term "compensation" through specified included and excluded categories.

This bill would add additional included categories, including a provision that "compensation" includes any other payments the Board of Administration may determine to be compensation and would add additional excluded categories, including a provision that "compensation" does not include any other payments the board may determine not to be compensation

The existing Public Employees' Retirement Law provides that a person ceases to be a member if the person is paid his or her normal contributions

This bill would also provide that a person ceases to be a member if the person is paid a portion of his or her normal contributions where more than one payment is made.

Existing law authorizes various local public agencies to become contracting agencies, provides for termination by specified actions by contracting agencies and for punitive terminations by the board of administration.

This bill would make various revisions in those provisions, including time limitations, and authorize related negotiations by the board.

The existing Public Employees' Retirement Law presently: (1) generally prohibits employment of a retired person by the state, a school employer, or a contracting agency unless the person is reinstated; (2) makes exceptions for persons appointed by the Governor, a director of a state department, or the governing board of a contracting agency, as a member of a nonsalaried board.

This bill would. (a) expand the exception in (2) above by deleting the requirement that the board be unsalaried, and (b) make the exception in (2) above also applicable to such appointments which are made by the Speaker of the Assembly or the President pro Tempore of the Senate

The existing Judges' Retirement Law presently requires that all administrative expenses of the Judges' Retirement System to be a charge on the General Fund.

This bill would provide, instead, that those expenses shall be paid by appropriation from the Judges' Retirement Fund

This bill would take effect immediately as an urgency statute

Ch 640 (AB 138) Hauser Radioactive waste ocean disposal

Under the federal Coastal Zone Management Act of 1972, the Secretary of Commerce may make grants to any coastal state for the purpose of developing a coastal state management program. Each federal agency conducting or supporting activities directly affecting the coastal zone is required to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.

Under the California Coastal Act of 1976, which constitutes California's coastal zone management program for purposes of the federal act, the California Coastal Commission has the primary responsibility for implementing the state act

Existing state law also prohibits the disposal of radioactive waste which would result in the significant radioactive contamination of the the environment and authorizes the

State Department of Health Services to prohibit the disposal of radioactive waste.

This bill would make a legislative finding concerning the dumping of radioactive waste into the ocean and would require the commission, in cooperation with the department and other specified entities, to use all means available to the commission, pursuant to law, to prevent the dumping of radioactive waste in the ocean, unless the commission finds that the dumping would be consistent with the goals and policies of the California Coastal Act of 1976.

Ch. 641 (SB 101) Lockyer. Salaries.

Existing law establishes a state policy for reassessing salaries in state service of female-dominated jobs, based on the comparability of the value of the work.

This bill would require the Trustees of the California State University to review and analyze information relevant to the setting of salaries for female-dominated jobs and to report on an annual basis to the appropriate policy committee of the Legislature.

This bill would also require the Board of Regents of the University of California to submit to the appropriate policy committee of the Legislature, on or before April 1, 1984, and to any other interested party, the results of a current study relevant to the setting of salaries for female-dominated jobs. The report would be required to be prepared using specified definitions

Ch. 642 (SB 321) Russell. Health care service plans.

(1) Under existing law, every group contract entered into, amended, or renewed on or after January 1, 1983, with specified exceptions, that provides hospital, medical, or surgical expense benefits for employees or members is required to provide that an employee or member whose coverage under the group contract has been terminated by the employer shall be entitled in certain cases to convert to nongroup membership, without evidence of insurability, subject to specified terms and conditions. The employer is required to notify employees of the availability, terms, and conditions of the conversion by notification within 30 days of the termination of the group coverage, as specified.

This bill would change the 30-day period to 15 days.

(2) Under existing law, the first premium payment for the conversion contract must be made within 30 days.

This bill would require the first premium payment within 31, rather than 30, days.

Ch. 643 (AB 710) Jones Taxation.

Under existing law, a state agency recording a state tax lien against real property is required to mail notice of the recordation to the tax debtor.

This bill would remove that requirement in cases where previous correspondence mailed to the address of record has been returned with no forwarding address.

Under the existing Personal Income Tax Law, the indexing of the personal and dependent exemption credits is based on the percentage change in the California Consumer Price Index from June 1978 to June of the current calendar year.

This bill would revise the method of computing the index for those credits based upon the California Consumer Price Index, as modified for rental equivalent ownership for all items as specified.

Under the existing Personal Income Tax Law, the term "tenant-stockholder's proportionate share" is defined as the ratio of the cooperative corporation shares owned by the tenant-stockholder to the total outstanding stock of the corporation.

This bill would revise that definition with respect to taxes in cases where a separate appraisal of individual units has been permitted or required by law, as specified.

Under the existing Bank and Corporation Tax Law, a suspended corporation has the power to amend its articles of incorporation and to change its name.

This bill would additionally permit a suspended corporation to file an application for exempt status.

This bill would make additional changes in Section 17054, Revenue and Taxation Code, proposed by AB 36, to be operative only if AB 36 and this bill are both chaptered, and this bill is chaptered after AB 36.

This bill would take effect immediately as a tax levy.

Ch. 644 (AB 769) Costa. Transportation. charter buses.

Under existing law, charter bus services authorized by a public transportation system receiving funding under the Mills-Alquist-Deddeh Act are required to contribute financially to the reduction of deficits on scheduled route service of the system. Charter bus service rates and minimums are required to be established, as prescribed, and reviewed and adjusted not less than semiannually to reflect specified costs, including the fully allocated cost of each charter operated and at least equal to the average of the 3 lowest current rates charged by private chartered bus carriers for charters originating in the same service area of the system, 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.

Existing law also prohibits the charter bus service from interfering with regularly scheduled service to the public or from competing unfairly with private operators providing charter bus service

This bill would include in the fully allocated cost of each charter operated those costs as approved by the federal Urban Mass Transportation Administrator pursuant to specified federal regulations

The bill would also exempt from these requirements charter bus services which are incidental to the holding of the Olympic Games in Los Angeles for a specified period and under specified conditions, including establishing rates to pay all fully allocated costs at least equal to the average of the 3 lowest current private charter rates for similar services in Los Angeles County.

Ch. 645 (AB 1018) Sher. Liens

(1) Existing law authorizes cities to establish by ordinance a procedure for the abatement of a nuisance which makes the cost of abatement upon a parcel of land a special assessment against the parcel. All laws applicable to the levy, collection, and enforcement of municipal taxes are applicable to the special assessment.

This bill would provide that the cost of abatement shall not result in a lien against the real property if transferred to a bona fide purchaser or encumbrancer for value prior to the delinquent date for the first installment of taxes for the cost of abatement.

(2) Existing law provides that if any personal representative of an estate fails to pay any tax, interest, or penalty imposed under the Inheritance Tax Law, the amounts due are a perfected and enforceable state tax lien

This bill would make various changes involving the termination or subordination of this state tax lien with respect to bona fide purchasers, mortagagees, or lessees of, or beneficiaries under a deed of trust on, the property subject to the lien, and with respect to specified transfers pursuant to the Probate Code

Ch. 646 (AB 1509) Killea State Bar of California.

Existing law prescribes the membership of the Board of Governors of the State Bar of California.

This bill would provide that an attorney who is a full-time employee of a public agency, and who serves as a member of the Board of Governors of the State Bar, shall not suffer the loss of job-related benefits thereby, except as specified, thus creating a state-mandated local program.

This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1990, the provisions contained in the bill for which state reimbursement is required.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 647 (AB 1524) Hayden. Community colleges. finance.

Under existing law, community college districts ~~received~~ [receive]* state apportionments from Section B of the State School Fund.

This bill would state the intent of the Legislature to reduce disparities in revenues allocated to community college districts in the 1982–83 fiscal year and any fiscal year thereafter.

Ch. 648 (SB 96) Marks. Validations.

This bill would enact the Second Validating Act of 1983, 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. 649 (AB 969) Kelley. County agricultural commissioners and inspectors and county sealers and inspectors: qualifications.

Under existing law, the Director of Food and Agriculture is responsible for examining and issuing certificates of qualification to county agricultural commissioners or deputy commissioners and county agricultural inspectors.

This bill would prohibit any person on and after January 1, 1985, from being eligible for the examination or receiving a certificate of qualification for these positions unless he or she possesses a bachelors degree from an accredited 4-year college with specialization in one or more appropriate disciplines in the agricultural or biological sciences as determined by the director. The bill would not apply to any person holding a valid certificate of qualification issued prior to January 1, 1985.

The bill would also require the director to publish and make available a registry of persons holding those certificates of qualification and certificates of qualification for county sealers.

Ch 650 (AB 1854) Filante. State Board of Funeral Directors and Embalmers.

Existing law provides for a State Board of Funeral Directors and Embalmers consisting of 9 members, 4 of whom are licensees of the board and 5 of whom are public members.

This bill would decrease that board to 5 members to consist of 2 members who are licensees and 3 public members.

Ch. 651 (AB 447) Cortese. Edible nuts: contracts.

(1) Under existing law, except for contracts between a member of a cooperative agricultural marketing association and the association itself, every contract for the sale of edible nuts which are not in actual existence or ready for immediate delivery is required to be in writing and contain specified terms.

This bill would instead require that any contract for the sale of edible nuts, except for contracts between a member of a cooperative association and the association itself, or unless the parties agree otherwise, to be in writing and contain the specified terms. The bill would also require that written contracts under these provisions state the method by which the price is to be determined.

(2) Under existing law, any purchaser of edible nuts which are delivered pursuant to a contract which is in violation of the laws relating to purchase contracts for the sale of edible nuts is liable to the seller for the reasonable value of the nuts as of the time of delivery and, in addition, is liable to the seller for a penalty of twice the reasonable value of the nuts.

This bill would revise the penalty provisions for contracts entered into on or after the effective date of the bill.

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

Ch. 652 (AB 450) Bradley. Schools: driver training instruction

Under existing law, the governing board of any school district maintaining secondary schools is authorized to enter into contracts with approved private driver training schools to provide any or all of the eligible enrolled students of the district automobile driver training. Under existing law, no such contract is valid unless approved by the Superintendent of Public Instruction and approved private driver training schools are required to maintain at all times limits of liability insurance established by the Superintendent of Public Instruction and are required to meet other requirements established by the Superintendent of Public Instruction

This bill would, instead, provide that no such contract is valid unless approved by the

governing board of the school district

This bill would require the governing board, upon approval of the contract, to transmit a copy of the signed contract to the State Department of Education

Ch. 653 (AB 503) Papan. Outdoor advertising: highways

(1) Existing provisions of the Outdoor Advertising Act regulate advertising displays adjacent to highways.

This bill would revise the definition of person under the act, define new terms, and delete obsolete provisions

(2) Under the act, advertising displays advertising the sale or lease of the property upon which the advertising display is located, designating the name of the owner or occupant of the premises, or advertising the business conducted or services rendered or goods produced or sold upon the property, are exempt from all provisions of the act except provisions governing licenses and imposing regulations.

This bill would exempt these advertising displays from all regulations under the act except regulations requiring display of the owner's name on an advertising structure, requiring advertising structures to meet wind resistance specifications, prohibiting obscene advertising and improper displays, and limiting location of advertising displays.

(3) Under the act, every application for a license is required to be made on a form furnished by the Director of Transportation.

This bill would require the license form to contain a certification that the applicant has obtained a copy of the act and any regulations adopted under the act and is aware of their contents.

(4) Under the act, the director, if requested by the governing body of a city, county, or city and county, is required to obtain a certificate of zoning compliance or a duplicate application stamped by a local official prior to a permit for an advertising display.

This bill would repeal those provisions

(5) Under the act, an application for a permit to place an advertising structure is required to be accompanied by construction plans.

This bill would repeal those provisions

(6) Under the act, advertising displays may be placed in locations in business areas, with different requirements for incorporated cities.

This bill would impose requirements for an urban area, as defined, which are the same as requirements for incorporated cities

(7) Under the act, the director is authorized to negotiate with the person entitled to compensation prior to commencing judicial proceedings to compel the removal of an advertising display.

This bill would require the Department of Transportation to prepare a valuation schedule for advertising displays and to update the schedule at least once every 2 years

(8) Under the act, any advertising structure or sign which is placed or maintained on property adjacent to a landscaped freeway is required to be removed within 3 years of the change from a freeway to a landscaped freeway.

This bill would instead provide that any advertising display placed or maintained on property adjoining a section of a landscaped freeway is subject to removal 3 years from the date the freeway has been declared a landscaped freeway by the director, or the director's designee, and the character of the freeway has been changed to a landscaped freeway.

(9) Under the act, nothing in the act prohibits any county from designating districts or zones in which advertising displays may be placed or prohibited

This bill would instead provide that nothing in the provisions of the act relating to landscaped freeways prohibit any county from designating districts or zones in which advertising displays may be placed or prohibited, or prohibits any governmental entity from entering into a relocation agreement unless specified circumstances apply to the advertising displays

(10) Under the act, prescribed license fees, permit fees, and application fees are required to be paid for the privilege of engaging in outdoor advertising and placing advertising displays.

This bill would increase the permit fees and application fees for advertising structures and would authorize an applicant, upon payment of an additional $30 fee, to request a preliminary determination as to whether a proposed structure and location would be

legally eligible for a state permit.

Ch. 654 (AB 1227) Condit Employees: teacher training institutes: California State University: name:

(1) Under existing law any school district, county superintendent of schools, or a consortium of these entities is eligible for funds in order to establish an administrator training and evaluation program

Existing law requires that these programs be designed and implemented under the direction of participating school and district administrators in cooperation with teacher training institutes.

This bill would, instead, require that these programs be designed and implemented under the direction of participating school and district administrators in cooperation with teacher training institutions.

(2) Existing law requires the Trustees of the California State University to award contracts for work on a project to the lowest responsible bidder and specifies that in the case of an emergency due to prescribed events, the work may be done by day's labor.

This bill would make the existence of an emergency for this purpose contingent on a determination by the trustees and would expand the list of emergency-causing events to include unexpected causes.

This bill would also require the trustees annually, on or before December 31, to report to the Department of Finance and the Joint Legislative Budget Committee the instances in which an exemption from the bidding process was allowed due to "unexpected causes."

(3) This bill would make various technical changes to Chapter 143 of the Statutes of 1983.

Ch. 655 (AB 258) Chacon. Bilingual education

Existing law requires the Commission on Teacher Credentialing to serve as a clearinghouse for bilingual-crosscultural teaching personnel; to compile, continually update, and maintain a directory of bilingual-crosscultural teachers available to teach in bilingual education programs; ~~to send the directory to all school districts on or before March 15 annually,~~* and, upon request, to assist school districts in the recruitment of these teachers.

This bill would delete the requirement that the commission continually update the directory. This bill would also ~~change the requirement that the directory be sent to all school districts annually by requiring, instead,~~ [require]* that the commission distribute the directory only when it determines that a need exists for the directory and that the directory would serve as a useful and necessary tool.

Ch. 656 (AB 583) Lancaster. Insurance.

Under existing law, every printed form of an insurance contract, with certain exceptions, shall state an inception hour for coverage of 12:01 a.m. of the date upon which it is to be dated.

This bill would provide that the contract may provide that the inception time shall not be prior to the time applied for.

Ch. 657 (AB 674) Filante. Municipal water districts. power generation.

Under the Municipal Water District Law of 1911, a municipal water district is authorized to utilize any part of its water, and any part of its works, facilities, improvements, and property used for the development, storage, and transportation of water, to provide, generate, and deliver hydroelectric power and may exercise related powers

This bill would authorize the Marin Municipal Water District to construct, maintain, and operate plants for the generation and transmission 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. 658 (AB 776) McAlister Financial institutions

Existing law provides that the constitutional provisions which restrict rates of interest and prohibit usury do not apply to the obligations of, loans made or arranged by, or forbearances of, a trust company or a bank authorized to engage in a trust business when acting in a fiduciary capacity, a bank holding company or a subsidiary thereof which is

not a bank, a state or federal savings and loan association which is authorized to exercise trust powers when the association is acting in its fiduciary capacity, and a savings and loan holding company, a subsidiary thereof which is not a savings and loan association, or a service corporation which is a subsidiary of a state or federal savings and loan association, or to the loans or forbearances of a foreign (other state) bank or specified (other nation) banks.

This bill would provide that these financial institutions and their subsidiaries, as specified, are not exempt from all other laws and regulations governing the business in which they are engaged.

Existing law provides that the Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law does not apply to any person who is a member of any class of persons, other than the class of personal property brokers, consumer finance lenders, or commercial finance lenders, respectively, which is exempted from the restrictions on interest rates contained in the constitutional provisions relating to usury or by a statute enacted pursuant to these provisions.

This bill would delete these provisions.

This bill would impose a state-mandated local program by expanding the scope of an existing crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 659 (AB 907) Floyd. Working hours: days off.

Existing law permits the Chief of the Division of Labor Standards Enforcement to exempt any employer or employees from any mandatory day or days off requirement contained in any order of the Industrial Welfare Commission, when in his or her judgment hardship will result. This provision will remain in effect only until January 1, 1984, unless a later enacted statute deletes or extends that date.

This bill would extend the January 1, 1984, repeal of this provision to January 1, 1986.

Ch. 660 (AB 909) Vicencia. Commercial transactions.

Under the existing law, any individual, partnership, unincorporated association, or corporation engaged in the business of cashing checks, drafts, money orders, or other commercial paper and any corporation engaged in the business of selling such commercial paper or of receiving money as an agent of an obligor for the purpose of making payment on the bills or accounts of the obligor or to accept money in payment of utility bills, with certain exceptions, is required to be licensed under the Check Sellers and Cashers Law.

This bill would rename these provisions the Check Sellers, Bill Payers and Proraters Law and would eliminate licensure requirements for those engaged in the business of cashing checks, drafts, money orders, or other commercial paper.

Ch. 661 (AB 956) Young. Transportation: fireworks: flammable liquids.

(1) Under existing law, every motor carrier directing the transportation of, or transporting for a fee over 500 pounds of, specified explosives is required to be specially licensed by the California Highway Patrol.

This bill would make the licensing requirement inapplicable to the transportation of defined fireworks if the motor carrier is operating under the authority of a license issued by the State Fire Marshal to manufacture, wholesale, import, or export fireworks.

(2) Under existing law, the State Fire Marshal is required to adopt regulations for the design and construction of cargo safety tanks and fire safety devices for the transportation of flammable or combustible liquids.

This bill would transfer that responsibility to the Commissioner of the California Highway Patrol. The bill would make related conforming changes and also require cargo tanks and specified testing thereof to meet standards of the United States Department of Transportation

Ch. 662 (AB 1098) Connelly. Property taxation. change in ownership.

Existing provisions of the Constitution 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.

The Revenue and Taxation Code provides 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.

This bill would provide that the adjusted base year value of the replacement property shall be the lower of its fair market value or the sum of (1) the adjusted base year value of the property from which the person was displaced, and (2) the amount, if any, by which the full cash value of the property acquired exceeds 120% of the amount received by the person for the property from which the person was displaced.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 impose a state-mandated local program by requiring county assessors to reassess affected property assessed after June 8, 1982.

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.

This bill would take effect immediately as an urgency statute.

Ch. 663 (AB 1169) Seastrand. State employee: leave of absence.

Existing law allows an appointing power to grant a leave of absence without pay to a state employee for a one-year period.

This bill would allow an extension to a leave of absence upon the prior approval of the Department of Personnel Administration.

Ch. 664 (AB 1175) Areias Cattle: brucellosis vaccination.

(1) Existing law provides a program for the control of bovine brucellosis by the Department of Food and Agriculture, including vaccination, examination, and destruction of diseased animals.

This bill would require that female cattle of the beef breeds, as defined, which are over 12 months of age, born on or after July 1, 1983, and sold within the state, bear evidence of official calfhood brucellosis vaccination, as specified. Vaccination would not be required for change of ownership in specified cases.

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch. 665 (AB 1181) Alatorre. Health planning: area health planning agencies.

(1) The California Health Facilities Authority Act in current law provides financing for certain health facility projects. "Health facilities" is defined for purposes of this act.

This bill would include certain nonprofit clinics in the definition of "health facilities" for purposes of this act

(2) This bill would incorporate the changes in Section 15432 of the Government Code, proposed by AB 2025 and SB 464 to become operative only if AB 2025 or SB 464, or both, are enacted and this bill is enacted last

Ch. 666 (AB 398) Chacon. Employment: age discrimination.

Existing law generally requires all employers, except public agencies, to permit any able employee to continue employment beyond the normal retirement date contained in any private pension or retirement plan upon giving written notice. Existing law generally requires public employees subject to the Public Employees' Retirement Law, and the State Teachers' Retirement Law, or other local government retirement systems to retire when they attain a specified age.

This bill would abolish mandatory retirement for public employees, except for public safety employees, and require all employers, including public agencies, to permit any able employee to continue employment beyond his or her retirement date, with specified exceptions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by requiring local government agency employers subject to the Public Employees' Retirement Law, the State Teachers' Retirement Law, or any other local government retirement system to pay additional costs incurred as a result of their employees' decisions to continue employment beyond their retirement dates

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

Ch. 667 (AB 632) McAlister. Insurers: investments.

Under existing law, an insurer may invest in notes or bonds secured by second mortgages or liens, including all inclusive or wraparound mortgages. Among other things, an all-inclusive or wraparound lien or mortgage is subject to the requirement that the insurer file a request with the recorder of the county for a copy of a notice of default or sale under a preexisting lien, or otherwise arrange for that notice.

This bill would, as an alternative to those requirements, provide for the requirement that the insurer be entitled under applicable law to receive notice of default, sale, and foreclosure of the preexisting lien.

Existing law authorizes excess funds investments by insurers in certain corporate obligations of corporations organized under the law of any state or the United States or Canada, or when guaranteed by certain international organizations.

This bill would permit excess funds investments in bonds, notes, or other evidences of indebtedness payable in dollars and issued by an alien corporation if the corporation is owned by a domestic corporation, payment is guaranteed by the domestic corporation, and the bond, note, or evidence of indebtedness is evaluated by the National Association of Insurance Commissioners, as specified.

Ch. 668 (AB 693) Cortese Conduct of elections.

(1) An existing statute sets forth the requirements to be met in order for a person to be considered a legally qualified candidate

This bill would clarify that statute by providing that persons who have filed statements of write-in candidacy qualify as legally qualified candidates

(2) Under existing law if the clerk finds a recall petition to be sufficient, the clerk must submit a certificate to the governing body of the local agency at its next meeting

This bill would specify that the certificate must be submitted at the next regular meeting, rather than simply next meeting, of the governing body.

(3) An existing statute, generally, requires every person responsible for the printing, posting, or distribution of campaign literature to have printed upon that literature the name and address of the person responsible for it. A violation of this statute is a misdemeanor However, an appellate court has ruled that this statute violates the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution relating to freedom of speech.

This bill would delete the constitutionally objectionable portions of that statute.

The bill would also make a technical, conforming change in the law

Ch. 669 (AB 716) Sher. Prisons and prisoners.

Existing law provides that the Department of Corrections shall have the power to contract for the supply of electricity, gas, and water for prisons, or manufacture gas or electricity, or furnish water itself, at its option. The department also has the power to erect and construct electrical apparatus or other illuminating works with or without contracting therefor. The department is also authorized to erect buildings and structures or alter or improve the same without advertising or contracting therefor.

This bill would provide that the Prison Industry Authority shall have these same powers with respect to any facility under its jurisdiction.

Existing law provides that if any of the shops or buildings in which convicts are employed are destroyed in any way, or injured, by fire or otherwise, they may be rebuilt or repaired immediately, under the direction of the Department of Corrections by and with the advice and consent of the Governor, Attorney General, and Secretary of State and the expenses thereof paid out of any funds in the State Treasury not otherwise appropriated by law.

This bill would provide instead that if any such shops or buildings require rebuilding or repair for any reason, they may be rebuilt or repaired immediately, under the direction of the Prison Industry Authority.

The bill would also provide that work performed by prisoners pursuant to an order by the Director of the Department of Corrections or by the Prison Industry Authority is not subject to the State Contract Act.

Ch. 670 (AB 929) N. Waters. Water rights: nonreserved federal rights.

Under existing law, the United States Supreme Court has held, in a decision decided July 3, 1978, that when the United States withdraws land from the public domain and reserves it for a federal purpose, it reserves, by implication, appurtenant water then unappropriated only to the extent needed to accomplish the purpose of the reservation.

This bill would permit any agency of the United States to submit to the State Water Resources Control Board, on or before July 1, 1984, a statement, as prescribed, for each water use initiated under claim of right by the United States on reserved lands for which beneficial use of water was initiated on or before July 3, 1978, concerning which water rights litigation was not a matter of record prior to July 3, 1978, and which use is for secondary purposes other than those for which the federal reservation was created.

The bill would declare any use for which a statement is submitted to have a priority for the appropriation of water as of the date of initial use of the water, except that all permits and licenses issued by the board on applications, including those filed by the Department of Water Resources, filed prior to July 1, 1984, would have priority over any water right so claimed by the United States, and except that an application by the department for any use would be subject to designated restrictions on the department's taking of watershed water in a like manner as the Central Valley Project. The bill would permit the scope of any appropriative right so recognized to be subsequently determined when that scope is at issue in any of specified water rights proceedings, and would specify related matters.

Ch. 671 (AB 968) Mojonnier. Cafeteria fund: construction: charges.

Existing law establishes a cafeteria fund for the deposit of money received from the sale of food or for any services performed by the cafeteria.

Existing law also authorizes expenditures from the cafeteria fund by any school district, or by 2 or more school districts governed by identical governing boards, having an average daily attendance of 400,000 or more for certain specified purposes relating to central food processing.

Under existing law, these governing boards are also authorized to reimburse district funds from cafeteria funds if district funds are expended for certain specified purposes.

This bill would delete the average daily attendance limitations concerning expenditures and reimbursements from cafeteria funds, thus giving all school districts access to their cafeteria funds for these specified purposes.

Ch. 672 (AB 1065) Jones. State-owned real property: transfer to Ray Preston.

This bill would, in the event that the White Rock Fire Station is declared surplus or excess land, 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 1.89 acres of certain real property wherein the White Rock Fire Station is located to Ray Preston.

Ch. 673 (AB 1160) McAlister. Insurance: licensed clinical social worker coverage.

Existing law imposes various regulations upon disability insurers and various other forms of health insurance and health care service plans.

This bill, with respect to a health care service plan contract, policy of disability insurance, self-insured employee welfare benefit plan, or hospital service plan contract, which provides coverage solely for California residents but which may be written or issued for delivery outside of California, would provide that if benefits are provided within the scope of practice of a licensed clinical social worker, licensed registered nurse, as specified, or a marriage, family, and child counselor, there shall not be deemed to be a prohibition against selecting that licensee in California to perform services in California even though the licensee is not licensed in the state where the contract or policy is written or issued for delivery.

Ch. 674 (AB 1361) Margolin Santa Monica Mountains Conservancy. recreational trail.

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 specified hiking and equestrian trail connections and accessways identified in the Equestrian and Hiking Trails Guide of the City of Los Angeles. It would require the Executive Director of the Santa Monica Mountains Conservancy to file a map of a feasible recreational corridor with the Secretary of State and to submit the map to specified committees of the Legislature at least 30 days prior to any acquisition of real property for the purposes of the bill.

Ch. 675 (AB 1383) Chacon. Far offshore commercial fishing

(1) Existing law does not exempt commercial fishermen from this state who take fish from outside the United States 200-mile fishery conservation zone from statutes and regulations prohibiting the taking or possession of specified species of fish.

This bill would authorize persons operating a commercial fishing vessel licensed in this state to land fish taken in a far offshore fishery when those fish may be lawfully imported into this state from a foreign nation or from another state. A "far offshore fishery" would be defined as meaning a fishery that lies outside the United States 200-mile fishery conservation zone. The bill would also prohibit the operator of any vessel operating under the authority of these provisions from fishing in or landing fish from any waters within the 200-mile zone during any trip for which the operator has received clearance by United States Customs for departure for the high seas.

(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

The bill would enact a state-mandated local program by creating a new crime

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

Ch. 676 (AB 1489) Bergeson. Irvine Ranch and Moulton-Niguel Water Districts· bonds

Under existing law, a district organized under the California Water District Law is authorized generally, when necessary or proper, to issue additional bonds in the same manner as provided for the original issue for any one or more specified purposes, including to refund any issue of bonds previously made.

This bill would authorize the Irvine Ranch and Moulton-Niguel Water Districts to refund bonds in accordance with prescribed procedures and subject to specified conditions The bill would also authorize those districts to bring an action in accordance with prescribed procedures to validate the issuance of any or all of the remaining bonds which were authorized by the voters at any given election, subject to specified conditions

The bill would take effect immediately as an urgency statute.

Ch. 677 (AB 1717) Leonard. Subdivisions. notice of violation: maps.

(1) Existing law requires that a final map be prepared, filed, and recorded in connection with the creation of a "subdivision," as defined. Existing law permits cities and counties to issue certificates of compliance and conditional certificates of compliance to the owners or purchasers of parcels within a subdivision Under existing law, a recorded final map or parcel map constitutes a certificate of compliance with respect to the parcels described therein.

This bill would permit cities and counties to adopt a procedure whereby a map prepared by any surveyor or engineer, under the review of the city engineer or county surveyor and in accordance with prescribed specifications, may be filed for record, whether or not the parcels which are the subject of the certificate are contiguous

The bill would also provide that a recorded official map constitutes a certificate of compliance with respect to the parcels described therein

(2) Existing law requires a local agency having knowledge of the creation of a parcel or parcels in violation of the Subdivision Map Act or local subdivision ordinance to file for record, and to mail to the owner, a notice of intention to record a notice of violation and, after having determined that a violation occurred, to record a notice of violation Such notices are deemed to constitute constructive notice of the violation to all successors of interest in the property

This bill would substitute mailed notice to the then current owner of record for the present requirement of filing for record a notice of intention to record a violation; and would substitute a mailed letter of clearance to the then current owner of record for the recording of a release of the notice of intention, if the local agency determines that there has been no violation

Ch. 678 (AB 1753) Frizzelle. Mental health: nonresident patients.

Existing law (a) requires the State Department of Mental Health to investigate and examine all nonresident persons, as defined, who were judicially committed to any state hospital for the mentally disordered, and requires the department to have these persons promptly and humanely returned to states in which they have legal residence, and (b) permits the department to enter into reciprocal agreements for the mutual exchange or return of persons judicially committed, as specified, in one state whose legal residence is in another state

This bill would, instead, make the provisions under (a) above applicable to all nonresident persons residing in any state hospital for the mentally disordered, and (b) above applicable to persons residing in any state hospital for the mentally disordered in one state whose legal residence is in another state

Ch. 679 (AB 1920) Papan. Solid waste

Under the Nejedly-Z'berg-Dills Solid Waste Management and Recovery Act of 1972, "solid waste" is defined as meaning all putrescible and nonputrescible solid, semisolid, and liquid wastes, as specified.

This bill would exclude hazardous waste from the definition of solid waste

Ch 680 (AB 2015) Agnos Postsecondary education student residency requirements aliens

Existing law which establishes eligibility for Cal Grant awards requires a Cal Grant recipient to be a California resident, as determined by the Student Aid Commission. It further specifies that a Cal Grant recipient must be a United States citizen, or, in the case of a minor alien, that either the recipient or his or her parents must have been admitted to the United States as a permanent resident

This bill would require the Student Aid Commission to apply the uniform student residency requirements when determining the resident classification of an applicant for a Cal Grant award. It would also repeal the eligibility criteria relating to a Cal Grant recipient's status under federal immigration law.

Existing law prescribes the requirements which must be met by alien students in order to be eligible for resident classification for tuition purposes at a public postsecondary educational institution Those provisions are separate from the residency require-

ments applicable to other students, and impose additional burdens of proof, as specified, upon alien students.

This bill would repeal the separate residency requirements applicable to alien students. It would specify that an alien, including an unmarried minor alien, may establish residence unless precluded by the federal Immigration and Nationality Act from establishing domicile in the United States. The residence of an unmarried minor alien would be derived from his or her parents pursuant to the provisions applicable to any other unmarried minor student.

Ch. 681 (AB 2037) Baker. Public works wages.

Existing law requires every contractor and subcontractor on a public works to keep an accurate payroll record showing specified items, and requires that a certified copy of these payroll records be made available to the public if a request is made through either the body awarding the contract, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement.

This bill would, in addition, provide that if the requested payroll records have not been provided to the body awarding the contract, the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement, the member of the public requesting the records shall, prior to being provided the records, reimburse the costs of preparation by the contractor, subcontractors, and the entity through which the request was made.

Ch. 682 (SB 26) Petris Housing: residential hotel rehabilitation.

(1) Existing law authorizes the Department of Housing and Community Development to establish a demonstration housing rehabilitation program for elderly or handicapped households of very low and low income and make deferred-payment loans to sponsors relating to rental housing developments for these individuals.

This bill would, instead, require the department to establish a Special User Housing Rehabilitation Program and would include residential hotels, as defined, for any low or very low income households within the program

The bill would specify that the only moneys which may be used for the purpose of making loans for the acquisition and rehabilitation of residential hotels or for related administrative expenses are those moneys allocated from the Rental Housing Construction Fund.

(2) Existing law continuously appropriates funds contained in the Rental Housing Construction Fund to the department for specified purposes.

This bill would , instead, provide that moneys from the fund utilized by the California Housing Finance Agency for development costs which were repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds and interest which are available for encumbrance on June 30, 1983, shall be utilized to carry out various programs, as specified. The bill would also allocate an amount not to exceed $4,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation

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

Ch. 683 (SB 65) Davis Crimes.

Under existing law, an assault upon specified public officials is a felony An attempt to commit murder or manslaughter against any person is punishable by a term of years in a state prison, as specified, depending upon the penalty for the crime attempted

This bill would add various public officials to the provisions relative to assault, and would provide that such an act is punishable either as a felony or a misdemeanor, thus establishing a state-mandated local program It also would provide for a term of 15 years to life for an attempt to commit murder against any such person, 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. 684 (SB 81) L. Greene. School districts: alternatives to new school facilities construction.

Under the State School Building Lease-Purchase Law of 1976, a school district may apply to the State Allocation Board to lease a school facility constructed or acquired by the state to house a grade level maintained by the applicant district.

This bill would state the Legislature's intent to encourage school districts to use alternatives to the construction of new buildings to reduce or eliminate their need for new school facilities by providing fiscal incentives for the adoption of such alternatives.

The bill would permit a school district which has applied for, and is eligible to receive, a construction apportionment under the Lease-Purchase Law to elect to reduce its facilities application by the number of units of estimated average daily attendance to be housed by the alternatives to new construction, and to file an application with the State Allocation Board for incentive payments based upon that number of units of estimated ADA.

The board would be required to compute the eligible incentive payments due each district, as specified, and to provide the Superintendent of Public Instruction with certification of the amount due each district. The bill would require the Controller to transfer that certified amount from designated funds to Section A of the State School Fund. The Superintendent of Public Instruction would then be required to include the eligible incentive payment due each district in its February apportionment.

This bill would be repealed by its own terms January 1, 1988.

Ch. 685 (SB 102) Torres. Farm labor contractors. licensing.

Existing law requires farm labor contractors to pay a fee of $100 and pass an examination on the laws concerning; farm labor contractors in order to obtain a farm labor contractor license or license renewal The Labor Commissioner may renew a license without requiring an examination

This bill would increase the license fee to $250 and require the examination to include the subject of safe work practices related to pesticide use. It would require an examination for license renewal, except under specified circumstances.

Ch. 686 (SB 186) Watson. Health pilot programs: pelvic inflammatory disease.

Under current law, there is no program which specifically screens for Chlamydia trachomatis, which is a major contributor to the condition known as pelvic inflammatory disease.

This bill would authorize the State Department of Health Services to establish a 3-year pilot program for Chlamydia trachomatis screening and control, to be operative only to the extent that federal funds are received, and require that the program be administered under the state venereal disease program. The bill would permit health clinics or centers which participate in the state gonococcal salpingitis screening program to participate in this program. The bill would require clinics or centers interested in participating in the program to submit a letter of intent to the department and would permit the department to select participants which meet certain criteria. The bill would require the department to seek federal funds for the pilot program and would authorize the department to submit a report to the Legislature at the end of the 3-year project The pilot program would remain in effect only until January 1, 1987, unless a later enacted statute deletes or extends that date

Ch 687 (SB 216) Beverly State lands agreements and geologic hazard abatement districts: maintenance assessments.

(1) Under existing law, the State Lands Commission is authorized to negotiate with, and with the approval of the Governor, to enter into agreements with the United States, or any official, agency, licensee, permittee, or lessee thereof, concerning the effect of any fill, dredging, or construction operations, or other activities on or adjacent to tide and submerged lands within the County of Ventura upon the boundary between state-owned submerged lands and outer continental shelf lands under the jurisdiction of the United States

This bill would make those provisions applicable within Los Angeles County.

(2) Under existing law, geologic hazard abatement districts may be formed in accordance with prescribed procedures The districts are authorized to use the Improvement Act of 1911, the Municipal Improvement Act of 1913, or the Improvement Bond Act of 1915 to pay the costs of an improvement

This bill would authorize a district to levy and collect, in accordance with prescribed procedures, assessments to pay for the cost and expenses of the maintenance and operation of any improvements acquired or constructed by the district. The bill would impose a state-mandated local program by authorizing a district board of directors to require a city or county to collect the assessments.

(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. 688 (SB 224) Ayala. Environmental quality: environmental impact reports: duties of responsible agencies.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Under the act, if a lead agency determines that an environmental report is required, each responsible agency is required, within 45 days of notification of the lead agency's determination, to specify to the lead agency the scope and content of the environmental information germane to the responsible agency's responsibilities in connection with the project and which, under the act, are required to be included in the environmental impact report.

This bill would reduce the time within which responsible agencies would be required to perform those duties from 45 to 30 days and, in so doing, would impose a state-mandated local program.

(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. 689 (SB 297) Vuich. Public social services: aid and medical assistance.

(1) Under existing law, an individual must apply to the county welfare department, as defined, to determine his or her eligibility for certain aid and medical assistance programs. Also under current law, the local registrar of births and deaths is required to record all death certificates for persons who have died or whose body was found in the county

This bill would require the local registrar to notify the county welfare department and local district social security office by the 15th day of each month of all persons [18 years of age and over]* for whom a death certificate has been registered in the previous month, or of whose deaths the registrar was notified by the state registrar, with certain other information.

(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 impose a state-mandated local program by requiring local registrars to provide notice of registered deaths, as specified.

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 690 (SB 345) McCorquodale Displaced workers assistance.

Existing law provides that in state government there is 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 is 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.

This bill would require that team to establish a state one-stop Displaced Worker Assistance Center when funding has been allocated from the Job Training Partnership Act by the State Job Training Council or its designee. The center would, among other things, be responsible for providing immediate information to local entities about state and federal programs which can serve displaced workers, their families and communities, assisting in the coordination of programs provided under the federal Job Training Partnership Act, and for reporting certain matters to the State Job Training Coordinating Council.

This bill would take effect immediately as an urgency statute

Ch 691 (SB 440) Torres Professional advertising

Existing law restricts or prohibits certain forms of advertising by various business and professions licensees. The law provides, among other things, that any advertising by any of those licensees may include only specified statements or items

This bill would revise these provisions by (1) deleting the limitation on advertising only including those specified statements and would authorize any advertising to contain any of those specified statements or items and any other item of factual information that is not false, fraudulent, misleading, or likely to deceive, (2) adding optometrists to those persons who may use a statement of certification that their practice is limited to a specific field or fields, (3) deleting a prohibition on the use of persons, parts of persons, or facsimiles thereof for the purpose of demonstrating medical or dental conditions or the recovery therefrom, and (4) in conformity with (3) above, deleting a provision specifically authorizing the advertising of eyeglasses, contact lenses, hearing aids, dentures and orthopedic devices on the person

Existing law prohibits the Attorney General from charging licensing boards for cost of enforcing specified provisions of law which restrict or prohibit certain forms of advertising by various business and professions licensees

This bill would instead provide that costs may be awarded against a licensee found to be in violation of such provisions

The bill would make other technical, nonsubstantive changes

This bill would incorporate additional changes in Section 651 of the Business and Professions Code, proposed by AB 893, to be operative only if AB 893 and this bill are both chaptered and become effective January 1, 1984 and this bill is chaptered last

Ch 692 (SB 501) Davis Board of Dental Examiners fees

Existing law prescribes the maximum amount for fees which are fixed by the Board of Dental Examiners for dentists Under existing law the fee for applicants for examination and reexamination shall not exceed $100 and the fee for renewal of a license shall not exceed $60

This bill would increase those amounts to $150 each and would provide for an initial license fee not to exceed $150 The bill would also prescribe maximum fees for registered providers of continuing education and nonregistered providers of continuing education

Ch. 693 (SB 587) Montoya. Insurance: fraternal benefit societies.

Existing law exempts from regulation under the Insurance Code, with specified exception, certain lodges and subordinate branches of lodges which provide for death benefits or disability benefits not in excess of $500 per member.

This bill would increase the benefit amount to $1,000.

Existing law exempts from regulation those lodges operating under a lodge system or any subordinate branch where the branch or association is organized without capital stock, is organized and operated solely for the benefit of its members or their beneficiaries and not for profit, and provides in its by-laws or rules or regulations for the payment of death benefits not exceeding $1,000 on the death of a member or for the payment of disability benefits not exceeding $1,000 to a member during any 12 consecutive calendar months, or both such types of benefits and which paid these benefits on or before September 15, 1945

This bill would delete the requirement that such benefits be paid on or before September 15, 1945.

Ch. 694 (SB 622) Davis Property taxation. state assessees.

Existing property tax law permits the State Board of Equalization to use the principle of unit valuation in valuing property of a state assessee with respect to these properties that are operated as a unit in a primary function of the assessee, so-called unitary property. Property not so valued is known as nonunitary property.

This bill would require the board, when valuing nonunitary property, to consider current market value information of comparable properties provided by the assessor just prior to the board's reappraisal of that property.

Ch 695 (SB 640) Watson. Health facilities. licensing.

(1) Existing law defines "health facility" for the purpose of licensing, and lists and defines different types of health facilities, including "general acute care hospital" and "general acute care/rehabilitation hospital." "General acute care hospital" is defined by current law to mean a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services

This bill would delete the definition of "general acute care/rehabilitation hospital." The bill provides that a general acute care hospital which exclusively provides acute medical rehabilitation center services, including at least physical therapy, occupational therapy, and speech therapy, may provide for the required surgical and anesthesia services through a contract with another acute care hospital. In addition, the bill would permit a general acute care hospital which, on July 1, 1983, provided required surgical and anesthesia services through a contract or agreement with another acute care hospital to continue to provide required surgical and anesthesia services through a contract or agreement with an acute care hospital.

(2) Under existing law, a nonprofit hospital, as defined, may exercise the right of eminent domain if certain conditions are met, including the certification of the Director of Health Services, after a public hearing, that certain conditions are met. The director is required by current law to adopt regulations for the above hearings.

This bill would, instead, require the Director of Statewide Health Planning and Development to carry out these duties

(3) Under existing law, the Director of Health Services is prohibited from issuing specified licenses covering a project for which there is no valid, subsisting and unexpired certificate of need unless specified conditions exist This bill would delete the exceptions to the general prohibition

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

Ch. 696 (SB 661) Carpenter. Nurse anesthetists.

Existing law, entitled the Nursing Practice Act, requires any person practicing nursing, as defined, to be registered by the Board of Registered Nursing

This bill would enact the Nurse Anesthetist Act. The bill would prohibit a person from holding himself or herself out as a nurse anesthetist unless certified by the board and

requires the board to consider the standards of the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, which are private agencies, and would authorize the board to develop new standards if the board makes a determination, in accordance with the specified provisions of the Administrative Procedure Act relating to the adoption of rules and regulations, that there is a public safety need for standards more stringent than the councils' standards.

The bill would require the board to issue a certificate to any applicant who is certified by those private agencies on the effective date of this act. The bill would provide that the utilization of a nurse anesthetist to provide anesthesia services shall be at the discretion of an acute care facility administration and the physician and surgeon, dentist, or podiatrist. The bill would also provide that, in an acute care facility, a nurse anesthetist who is not an employee of the facility shall nonetheless be subject to the bylaws of the facility and may be required by the facility to provide proof of current professional liability insurance coverage.

The bill would also 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.

This bill would mandate a new program or higher level of service on local government by creating new crimes.

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. 697 (SB 701) McCorquodale. County Employees Retirement Law of 1937: safety membership

The County Employees Retirement Law of 1937 presently provides that a person over 35 years of age may elect to become a safety member in the County Employees Retirement System if he was employed for not less than 10 years in a position involving active law enforcement, and is employed by a county in a position which would make him eligible to become a safety member if he had not been over 35 years of age, and contributes, with interest, the difference between contributions made and those which would have been made if he had been a safety member and provides that this provision shall not be effective unless adopted by the county board of supervisors.

This bill would add an alternative provision decreasing the minimum service requirement from 10 to 9 years and would provide that this provision would not be applicable in any county unless and until it is adopted by the county board of supervisors. This bill would apply only to a county of the 20th class. This new authorization would impose state-mandated local costs since its exercise would be subject to public employer-employee relations.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 provisions of this bill would be repealed, as of January 1, 1986.

Ch. 698 (SB 740) Torres. School buildings: reconstruction or modernization.

The Leroy F. Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of school facilities by the state and the lease-purchase of those facilities by school districts The State School Building Lease-Purchase Bond Law of 1982 provides for the issuance of state general obligation bonds for purposes of the State School Building Lease-Purchase Law of 1976 $150,000,000 of these funds are reserved for reconstruction or modernization of existing facilities.

This bill would require the State Allocation Board to establish a separate priority

system for the allocation of the funds for reconstruction or modernization of existing facilities based on specified factors and any other factors which the State Allocation Board determines are appropriate

Ch. 699 (SB 744) Carpenter. Landscape architects.

Existing law requires any person who practices landscape architecture, as defined, to be licensed by the State Board of Landscape Architects which board consists of 6 members, 2 of whom are licensed landscape architects and 4 of whom are public members.

This bill would substantially revise the definition of the practice of landscape architecture and would increase the membership of the board to 7 by adding a licensed landscape architect.

Existing law provides that no member of the board may serve more than 3 consecutive terms.

This bill would provide that no member may serve more than 2 consecutive terms.

The bill would delete specific exemptions from provisions regulating landscape architecture for persons licensed under other specific provisions and would instead provide a general exemption for any person holding a state license insofar as the person engages in activity within the scope of that license.

Existing law provides that provisions regulating landscape architecture are to be repealed effective June 30, 1984.

This bill would delete that repealing date

Existing law provides for the licensing and regulation of specialty contractors, including, among others, landscape contractors.

This bill would specify that a landscape contractor may design systems or facilities for work to be performed and supervised by that contractor.

The bill would make other technical, nonsubstantive changes.

Ch. 700 (SB 809) Mello. Sex offenders.

Existing law requires registration of sex offenders, as specified.

This bill would additionally provide that any person required to register, as specified, who is discharged or paroled from a state prison where he or she was confined, or released from a state hospital to which he or she was committed as a mentally disordered sex offender, be required, prior to discharge, parole, or release, to submit 2 specimens of blood and a saliva sample to that institution. The bill would require the specimens and sample to be sent to the Department of Justice criminalistics laboratory for analysis and categorizing into blood groupings, and thereafter filed with the offender's file maintained by the Sex Registration Unit of the Department of Justice, to be released only as specified.

The bill would appropriate $37,500, as specified, for such purposes.

Ch. 701 (SB 821) Torres. Youth.

Under existing law, a court of criminal jurisdiction may commit a person found guilty of a crime who was under the age of 21 at the time of his or her apprehension to the Youth Authority, rather than to prison or jail, under specified circumstances. Such a person who is not committed to the Youth Authority may be transferred to the Youth Authority by the Director of Corrections with the approval of the Director of the Youth Authority; however, such a transfer is solely for the purposes of housing the inmate and allowing participation in Youth Authority programs.

This bill would authorize a court, in sentencing a person under 21, to order such a transfer It would provide that if the Youth Authority fails to accept the custody of such a person he or she shall be returned to the court for resentencing.

Ch. 702 (SB 984) McCorquodale Developmental disabilities: financing

(1) Under existing law, every service agency receiving state funds to provide services for persons with developmental disabilities is required to have an agency fair hearing procedure for resolving conflicts between the agency and recipients of, or applicants for, service as a condition for continued receipt of state funds. This procedure must include a fair hearing by the responsible state agency when a claimant or authorized representative disagrees with a decision of the service agency after an informal meeting A fair hearing must be held within 20 days of receipt of a request for fair hearing by the

responsible state agency director, but either party may request a continuance. However, where a witness or evidence is not available, existing law prohibits a continuance from extending the time for a hearing beyond 30 days of receipt of the request for the fair hearing.

This bill would in all situations, including the unavailability of a witness or evidence, prohibit a continuance from extending the time for a hearing beyond 30 days of receipt of the request for fair hearing unless it is determined that good cause exists for an additional continuance. The bill would make technical changes in the fair hearing provisions.

(2) Under existing law operative October 1, 1983, a notice of denial or modification of service to the developmentally disabled is required to be in a language the claimant comprehends.

This bill would require the notice to be in a language the claimant's authorized representative comprehends

(3) Under existing law operative October 1, 1983, the director of the state agency with which an appeal of the service agency's decision is required to be filed is required to review requests for appeals and provide specified notice of the appeal hearing.

This bill would authorize delegation of those functions, as specified, and would revise the form of the notice

(4) Under existing law operative October 1, 1983, the responsible state agency has initial discretion to grant continuances and to consolidate appeals

This bill would transfer that authority to the hearing officer.

(5) Under existing law operative October 1, 1983, the hearing officer is required to reach a decision on appeal within 10 days following the hearing.

This bill would require the decision to be transmitted to the parties and director of the responsible state agency.

(6) The above provisions of this bill would be operative October 1, 1983

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

Ch 703 (SB 1074) Watson. Fish and game traps.

(1) Under existing law, it is unlawful to set or maintain traps which do not bear a number or other identifying mark registered with the Department of Fish and Game, except, in the care of federal, state, or county agency, the trap is required to bear the name of the agency.

This bill would include any city agency within this exemption.

(2) Existing law requires a license from the Fish and Game Commission for the taking of nongame mammals and black-tailed jackrabbits, muskrats, and red fox squirrels. It exempts, among others, employees of the federal or county officers or employees taking mammals pursuant to designated provisions.

This bill would include city officers or employees within this provision providing an exemption from this licensing requirement

(3) At the present there are two separate provisions imposing a maximum punishment for selling or purchasing the meat, skin, hide, teeth, claws, or other parts of any bear in this state One of these provisions sets this maximum punishment as 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, and the other provision sets this maximum as a fine of $5,000, imprisonment in the county jail for up to 6 months, or both the fine and imprisonment.

This bill would delete the provision prescribing a fine of $5,000, imprisonment in the county jail for up to 6 months, or both the fine and imprisonment

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

Ch 704 (SB 1107) Ayala. Improvements. reimbursement

(1) Existing law authorizes the board of supervisors to expend any of its available funds in connection with the construction of any sanitary sewer, storm sewer, or drainage improvements for any additional cost of construction of any conveyance works in excess of the construction required for the current project if the board of supervisors makes certain specified findings

This bill would also authorize the board of supervisors to expend those funds for a portion of the cost of conveyance works directly benefiting properties in an area outside

the area to be served by the current project if they make those specified findings.

The bill would also permit the board of supervisors, in lieu of making the above payments from available funds, to agree to make those payments from future connection fees.

Existing law also authorizes the board of supervisors to impose a connection fee upon any person or district in the outside area to be paid to the county as a condition to connecting to any conveyance works which have been augmented by additional construction pursuant to the above described provisions and authorizes the board of supervisors, in computing the total cost of the additional construction, to include an amount attributable to interest, not to exceed 4% per annum.

This bill would also permit the board of supervisors to impose that connection fee as a condition to connecting to any conveyance works which have been found by the board of supervisors to directly benefit the outside area, would require the board of supervisors to include an amount attributable to interest from the date of completion of the construction to the date of connection if they impose that connection fee, would make provision for the payment of accrued interest to specified persons and entities under certain circumstances, and would delete the 4% per annum limitation on the payment of interest

(2) Existing provisions of the Subdivision Map Act authorize the imposition of a requirement that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, or number for the benefit of property not within the subdivision and requires the local agency to enter into an agreement with the subdivider to reimburse the subdivider for that portion of the costs of those improvements equal to the difference between the amount it would have cost the subdivider to install those improvements to serve the subdivision only and the actual costs of the improvements.

This bill would authorize the imposition of a requirement that improvements installed by the subdivider for the benefit of the subdivision contain, in addition, supplemental length for the benefit of property not within the subdivision. The bill would also require the local agency to enter into an agreement with the subdivider to reimburse the subdivider for that portion of the costs of those improvements, including an amount attributable to interest, in excess of the construction required for the subdivision.

Ch 705 (SB 1177) Johnson Amusement rides

Existing law requires each operator of amusement rides, as defined, to obtain an original certificate of inspection from the Division of Occupational Safety and Health or a public entity, which certifies that the rides meet the standards established by the division. The law authorizes inspection fees, requires liability insurance, and exempts amusement devices of a permanent nature that are subject to building regulations issued by cities or counties and existing applicable safety orders

This bill would change and add requirements governing permits, inspection fees, liability insurance, reporting of accidents, penalties, and the definition of amusement rides

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by requiring local governmental entities to notify the division of accidents involving amusement rides, as specified.

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

Ch 706 (SB 1186) Craven Mobilehomes

(1) Under existing law, various provisions regulate the sale, purchase, and treatment of mobilehomes and commercial coaches. Violation of some of these provisions constitutes crimes

This bill would revise various of these provisions to include manufactured homes and commercial coaches within provisions regulating mobilehomes, which would also have the effect of creating a state-mandated local program by creating new misdemeanors

(2) Under existing law, with respect to business practices, it is unlawful to fail to deliver or honor the terms and conditions of a specified warranty in connection with mobilehomes.

This bill would delete that provision and, instead, make it unlawful to refuse to sell the manufactured home, mobilehome, or commercial coach to any person at the advertised total price for that manufactured home, mobilehome, or commercial coach, as specified, while it remains unsold, except when the advertisement states that the price is only good for a specified time which would also have the effect of creating a state-mandated local program by creating new misdemeanors.

(3) Under existing law, the Commission of Housing and Community Development is required to establish a schedule of fees to pay the costs incurred by the department in administering and enforcing provisions of law relating to factory-built housing.

This bill would require that the fees be placed in the Mobilehome-Manufactured Home Revolving Fund and would continuously appropriate the fees to the Department of Housing and Community Development for expenditure in carrying out its duties with respect to factory-built housing. The bill would also require the department to revise the schedule of fees in specified circumstances.

(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 would take effect immediately as an urgency statute.

Ch. 707 (SB 290) Ellis. State highways: noise abatement programs.

Under existing law, the Department of Transportation is required to measure noise levels and undertake noise abatement programs in specified schools along state freeways.

This bill would revise the decibel scale to be used by the department for measurement of noise levels in the schools and for qualification for the noise abatement programs.

Ch. 708 (AB 459) D. Brown. Vehicles: tow dollies and drivers' licenses.

(1) Existing law does not expressly authorize the use of tow dollies to tow a motor vehicle. However, existing law does expressly authorize specified use of portable or collapsible dollies by automobile dismantlers.

This bill would define and expressly authorize the use of tow dollies by persons with class 3 drivers' licenses. Portable and collapsible dollies, as used by automobile dismantlers under existing law, would be excluded from the definition of "tow dolly." The bill would permit tow dollies to be equipped with brakes. The bill would require any motor vehicle transported by a tow dolly to be secured to the tow dolly by two chains, cables, or equivalent devices. The bill would also require tow dollies to display a special identification plate issued by the Department of Motor Vehicles for a $5 fee.

(2) Under existing law, a class 3 driver's license generally authorizes towing another vehicle not exceeding 6,000 pounds. That category of license also authorizes towing a trailer not exceeding 9,000 pounds gross for hauling livestock when not for compensation and the unladen weight of the towing vehicle is 4,000 pounds or more.

This bill would expand the latter authorization to tow a trailer up to 9,000 pounds gross under a class 3 license to include a trailer used in transporting agricultural products to specified points or a boat.

(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 impose a state-mandated local program by creating a new infraction of using a tow dolly without specified safety chains or devices or which is not registered.

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

Ch. 709 (AB 575) Young. Motor vehicle franchises.

(1) Under existing law, certain disputes between motor vehicle franchisees and franchisors are subject to the jurisdiction of the New Motor Vehicle Board. Under existing law, an existing franchisee may protest a franchisor's proposed establishment of a new dealership in its market area by filing a protest with the board within 15 days of receiving a notice of intent from the franchisor or within 15 days after the end of any appeal procedure provided by the franchisor.

This bill would extend that period to 20 days and would permit the board or its secretary to grant a 10-day extension for filing the protest, as specified.

(2) Under existing law, the board is required to fix a time for hearing protests within 60 days of the board's order.

This bill would, except in any case involving a franchisee who deals exclusively in motorcycles, authorize the board or its secretary to change the initial hearing date for good cause, as defined, but the hearing could not be rescheduled beyond 90 days after the board's order establishing the initial hearing date.

Ch. 710 (AB 764) Johnston. Forest practices: licenses.

Under the Nejedly-Z'berg Forest Practice Act of 1973, no person may engage in timber operations until the person has obtained a license from the State Board of Forestry. The Contractors License Law requires persons engaged in the business or acting in the capacity of a contractor, as defined, to be licensed therefor.

This bill would expressly exempt timber operations, timber harvesting, and any other activities pursuant to a timber harvest plan or a federal or state timber sales contract from the Contractors License Law.

Ch. 711 (AB 771) McAlister Unemployment insurance: fraud.

Existing law makes 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 unemployment compensation benefits or payments of $400 or more, or 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.

This bill would make it a felony for any individual, with intent to defraud, to falsely certify the medical condition of any person in order to obtain disability insurance benefits of $400 or more.

Existing law provides for the Aid to Families with Dependent Children program, under which aid payments are provided to needy families with dependent children.

Existing law further provides that any person who obtains or retains aid in an amount greater than $200 through fraudulent means shall be guilty of an offense punishable by imprisonment for not more than one year and if the amount is $200 or less, the punishment shall be a fine of not more than $500 or 6 months in the county jail or both.

This bill would instead provide that a person who obtains or retains aid through fraudulent means, where the amount of aid is in an amount in excess of $400 shall be guilty of an offense punishable by imprisonment for a period not to exceed one year and if the amount is $400 or less, the punishment shall be a fine of not more than $500 or 6 months in jail, or both.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 712 (AB 813) Bane. Underwritten title companies.

Existing law requires that audits which are required to be furnished by an underwritten title company to the Insurance Commissioner shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant approved by the Insurance Commissioner specifically for the particular company. Approval of an auditor for a particular company is not deemed to be a licensing of the auditor or approval of the auditor for any other company or any other purpose. The approval, or the renewal thereof, automatically

expires on the first day of January in the 5th calendar year following the date of original or renewal approval. The fee for filing an application for approval or the renewal thereof is $17.50 The Insurance Commissioner is specifically authorized to deny or revoke approval or renewal of approval of an auditor for any of specified reasons.

This bill would instead provide that audits be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant whose certification or license is in good standing at the time of the preparation It would delete the provisions relating to the approval of an auditor by the commissioner It would delete the fee for filing an application for approval or the renewal thereof. It would also authorize the commissioner to refuse to accept an audit or order a new audit for those existing specified reasons.

Ch 713 (AB 1008) McClintock. Mobilehome parks.

Under existing law, the Department of Housing and Community Development, among other things, is required to provide assistance in various situations, including assistance in connection with federal loan and grant programs, subsidy programs, and neighborhood preservation programs

This bill would also require the Department of Housing and Community Development to provide comprehensive technical assistance to residents of a mobilehome park wishing to purchase the mobilehome park upon application for assistance from ⅔ of the owners of mobilehomes in the mobilehome park, and would authorize the department to charge fees for providing that assistance, as specified The bill would also provide for termination of assistance by the department upon request of ⅔ of the owners of mobilehomes in the mobilehome park, and would provide for termination of the services one year after the close of escrow.

Ch 714 (AB 1149) Filante. County aid payments attorney's fees.

Existing law provides that counties that provide cash assistance to indigent persons shall be entitled to a lien against the property of the recipient in order to obtain reimbursement for county aid

This bill would provide that notwithstanding these provisions, a reasonable representation fee shall be offset, unless the county elects to be exempted, against the county's lien claim for reimbursement in specified actions in federal court concerning applicants for or recipients of the state supplementary program which provides cash assistance to aged, blind, and disabled persons, with the offset against a county's claim to be no more than 25% of the interim assistance reimbursement received by the county.

[This bill would impose a state-mandated local program increasing costs to the county by requiring the county to elect to be exempted from the mandatory obligation to pay representation fees]*

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 715 (AB 1157) McAlister Trusts

Existing law does not authorize a credit union to act as a trustee or carry on a trust business

This bill would provide that no credit union shall exercise trust powers except upon qualifying as a trust company, as specified, except that a credit union may accept funds held in trust in the name of a trustee and may act as a trustee or custodian, subject to the regulations of the Commissioner of Corporations, under a written trust instrument or custodial agreement which is part of specified types of pension plans for the credit union's members, including individual retirement accounts, provided the funds received pursuant to these plans are invested in share accounts or share certificate accounts of the credit union The bill would require a credit union to maintain individual records for each participant or beneficiary of such a plan.

Existing law provides that the Director of the Youth Authority may deposit any funds

of wards committed to the authority in the director's possession in trust with the Treasurer or in trust in insured bank or savings and loan accounts bearing maximum interest rates.

This bill would permit the Director of the Youth Authority to also deposit such funds in trust in a state or federal credit union.

The bill would also provide that the Youth Authority may assess a ward's trust fund for actual costs for the ward's support, maintenance, training and treatment.

Ch. 716 (AB 1173) Elder. Controlled substances.

Existing law relating to the offenses of possession for sale of and transportation, importation, sale, manufacture, and furnishing of, and other offenses relating to, controlled substances make no distinction concerning the value of controlled substances involved.

This bill would provide for additional terms to be added to the sentences of persons convicted of specified controlled substances offenses who, as part of the transaction for which they were convicted, induced others to violate specified controlled substances offenses, based on the value of the controlled substance involved in the offense.

Ch. 717 (AB 1211) Seastrand. Economic poisons. tolerances.

Existing law authorizes the Director of Food and Agriculture to establish permissible tolerances for any pesticide chemical added to produce if he or she finds that the pesticide is useful for the production and marketing of the produce and the presence of the pesticide as spray residue in quantities within the tolerances is not deleterious to people or animals.

This bill would delete references to "spray residue" and instead refer to "pesticide residue."

Ch. 718 (AB 1396) Floyd. County waterworks districts· standby charges.

Under the County Waterworks District Law, a water service standby or immediate availability charge fixed by a county waterworks district may not exceed $10 per acre or $5 for a parcel of less than one acre.

This bill would increase the maximum permissible charge to $30 per acre or for a parcel of less than one acre, and would permit the maximum charge to be increased from one fiscal year to the next by the same percentage increase as is reflected by the Consumer Price Index.

Ch 719 (AB 1449) Jones. Local authorities: signs.

Existing law authorizes local authorities in their respective jurisdictions to place and maintain appropriate signs, signals, or other traffic control devices as necessary to carry out provisions of the Vehicle Code or local traffic ordinances or to warn or guide traffic.

This bill would authorize local authorities in their respective jurisdictions to place and maintain appropriate signs along city streets or county roads which indicate that a deaf child is near.

Ch 720 (AB 1519) Moore. Cities: lease of property.

Under existing law, with specified exceptions, a city may lease property owned, held, or controlled by it, for a maximum period of 55 years

This bill would increase the permissible term of such leases to 99 years, and would impose specified requirements on a city in connection with its lease of property owned, held, or controlled by the city. The specified requirements would not be applicable to a chartered city.

Ch. 721 (AB 1573) Connelly Gaming clubs.

Existing state law does not prohibit the playing of draw and low-ball poker unless the electors in specified counties have voted affirmatively to prohibit those games.

This bill would require an individual to obtain a valid registration from the Attorney General before operating a gaming club, as prescribed. The bill would make any person operating a gaming club without a license subject to punishment in the state prison or in the county jail for not more than one year.

The bill would mandate a new program or higher level of service on local government by creating new crimes.

The bill would require all fees, revenues, and penalties collected under the provisions

of the act to be deposited in a special account in the General Fund to be available for expenditure by the Department of Justice to offset costs incurred by it pursuant to this bill when appropriated by 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. 722 (AB 1664) Farr. Santa Cruz Metropolitan Transit District: labor representation.

Under the Santa Cruz Metropolitan Transit District Act of 1967, employees of the Santa Cruz Metropolitan Transit District may join employee organizations and may petition the district board in matters relating to wages, hours, and conditions of employment.

This bill would require any question of whether a majority of the employees in a unit desire to be represented by a labor organization to be resolved by the Director of Industrial Relations pursuant to the Labor Management Relations Act, 1947, as amended.

Ch. 723 (AB 1776) Wyman. Disability compensation: day of death.

Under the existing disability compensation law, an individual is deemed disabled on any day in which, because of his or her physical or mental condition, he or she is unable to perform his or her regular or customary work.

This bill would provide that an individual shall not be disqualified for disability compensation benefits for the day on which he or she died if the individual is otherwise eligible. Money in the Disability Fund is continuously appropriated to pay disability compensation benefits.

Ch. 724 (AB 1820) Condit. Office of Administrative Law: review of decision.

Existing law authorizes the Governor to overrule a decision of the Office of Administrative Law disapproving a proposed regulation, an order repealing an emergency regulation, or a decision refusing to allow the readoption of an emergency regulation, within 30 days after the agency and the office have complied with legal requirements.

This bill would delete this 30-day requirement, would, in addition, authorize the Governor to overrule a determination of the office to repeal a regulation pursuant to specified provisions, and would provide a specific procedure for initiating a review of a decision of the Office of Administrative Law. Among other things, it would require the adopting agency to file a written Request for Review with the Governor's Legal Affairs Secretary which includes specified items of information. It would require the office to respond to the agency's request for review, and would require the office to publish in the Administrative Register the agency's request, the office's response thereto, and the decision of the Governor.

This bill would specify the time requirements applicable to the above procedure and would authorize the shortening of those time limits by the Governor's office for good cause.

Ch. 725 (AB 1827) Lancaster. Industrial loan companies.

Under the existing Industrial Loan Law, an application for authority to engage in the industrial loan business is required to be accompanied by a filing fee of $250.

This bill would increase this filing fee to $400

Existing law specifies capital stock requirements for industrial loan companies, which vary depending upon the date of incorporation or the date of the commencement of business of the particular industrial loan company. Existing law also provides for varying capital stock requirements when the Commissioner of Corporations finds there has been a change of ownership of 50% or more of an industrial loan company's stock.

This bill would provide instead that the capital stock requirements for an industrial loan company shall be $500,000 if incorporated or commencing business on or before July

8, 1975, or $750,000 and a paid-in surplus of $500,000 at the time business is commenced, if incorporated or commencing business on or after July 9, 1975.

Existing law provides that in addition to the capital stock otherwise required, an industrial loan company shall have capital stock in specified amounts for each branch office, which vary depending upon the date of incorporation or the date of the commencement of business of the particular industrial loan company and the date the branch office is opened.

This bill would provide instead that in addition to the capital stock otherwise required, as specified, an industrial loan company which has branch offices or which opens an additional branch office or place of business shall have additional capital stock of $50,000 for each branch office.

Existing law specifies certain minimum unimpaired capital and paid-in surplus requirements for industrial loan companies which must be met in order to declare a cash dividend on its capital stock. These requirements vary depending upon the date on which an industrial loan company commenced business.

The bill would provide instead that an industrial loan company may declare a dividend on its capital stock only if the company has a minimum unimpaired capital of $750,000 plus additional capital stock of $50,000 for each branch office.

The bill would also require the Commissioner of Corporations to make additional findings when approving an application for a branch office, as specified.

Existing law provides that, at the option of an industrial loan company, a certificate of investment may be issued with each loan

This bill would repeal this provision.

Under the existing Industrial Loan Law, a borrower may purchase certificates of investment issued in connection with loans of a face value not exceeding the face amount of the loan simultaneously with each loan transaction and is required to pledge the certificate with the corporation as security for the loan.

This bill would repeal these provisions.

Under the existing Industrial Loan Law, all payments made by the borrower on the installment investment certificates purchased by the borrower in connection with the making of the loan are required to be regarded as payments on the loan and are required to be applied, first, to interest and all other charges within the maximum rate, as specified, and, second, to the reduction of the unpaid principal balance of the loan.

This bill would repeal these provisions.

Existing law provides for the regulation of restricted industrial loan companies which are restricted to making business loans not exceeding $10,000 in principal amounts

This bill would repeal the provisions regulating these industrial loan companies

Ch. 726 (AB 1890) Davis. Vandalism.

Existing law makes it a crime punishable by imprisonment in the state prison or by imprisonment in the county jail for not exceeding one year, to knowingly commit any act of vandalism to a church, synagogue, religious educational institution or other place primarily used as a place of worship where religious services are regularly conducted.

This bill would provide that where such a crime is shown to have been committed by reason of the race, color, religion, or national origin of another individual or group of individuals and for the purpose of intimidating and deterring persons from freely exercising their religious beliefs, it shall constitute a felony punishable by imprisonment in the state prison. The bill also contains a statement of legislative intent with respect to these provisions

This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 727 (AB 1993) Tanner. Advertising.

Existing law provides that it is a misdemeanor for any person to offer a prize or gift by mail, by telephone, or in person, with the intent to offer a sales presentation, without disclosing such intent at the time of the offer of the prize or gift.

This bill would extend the application of these provisions, with specified exceptions, to any person making such an offer by any other means or in any other form

This bill would impose a state-mandated local program by creating additional bases for the imposition of 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. 728 (AB 1998) Tanner. Consumer warranties.

(1) Specified provisions of existing law provide for consumer warranty protection.

This bill would make certain technical nonsubstantive changes in those provisions.

(2) Existing law provides that every warranty period for consumer goods selling for $50 or more shall be tolled between the time of delivery of goods for service or notification of nonconformity pursuant to specified provisions, and the time of repair, as specified.

This bill would change a reference regarding notification of nonconformity to a provision relating to notice of nonconformity where the buyer is unable to return the goods to the retailer.

Ch. 729 (AB 2019) Alatorre. Public agencies.

Existing law provides that public agencies may enter into joint powers agreements A separate provision of existing law allows state agencies, with the approval of the Director of General Services, to furnish services and materials to other state agencies.

This bill would specify in the provisions governing the authority to enter into joint powers agreements that any joint powers agency may enter into agreements with state agencies pursuant to the above-stated existing law

Ch. 730 (SB 535) Robbins. Motion Picture Council. membership.

Under existing law, the Motion Picture Council consists of 14 members, 10 appointed by the Governor, 2 appointed by the Senate Rules Committee, and 2 appointed by the Speaker of the Assembly.

This bill would increase the membership to the committee to consist of a total of 17 members, 11 appointed by the Governor, 3 appointed by the Senate Rules Committee, and 3 appointed by the Speaker of the Assembly.

Ch. 731 (AB 2085) Harris. San Francisco Bay Area Rapid Transit District. contracts.

Under existing law, the San Francisco Bay Area Rapid Transit District is required to make the purchase of all supplies, equipment, and materials, and the construction of facilities and works, over specified amounts by competitive bid to the lowest responsible bidder. Programs financially assisted by the federal Department of Transportation are required to incorporate specified affirmative action programs to involve minority business enterprises.

This bill would authorize the district to establish affirmative action programs in nonfederally funded contracts in accordance with the regulations applicable to federally funded programs in effect on January 1, 1983

Ch. 732 (AB 715) Sher Conservation and training program.

(1) Existing law authorizes the Director of Corrections to enter into contracts with state or federal public agencies for the performance of conservation projects which are appropriate to the public agencies.

This bill would authorize the director to enter into contracts with local public agencies for those purposes.

(2) Existing law requires the Department of Forestry to utilize prison inmates and wards of the Youth Authority assigned to conservation camps in performing fire preven-

tion and control and other work of the department. The department is also authorized to enter into contracts or cooperative agreements with state or federal agencies for the performance of other conservation projects, as specified

This bill would authorize the use of inmates and wards, upon the request of the appropriate public agency, for work necessary to prevent flood damage to land resulting from levee breaks or overflows

Ch 733 (AB 752) N. Waters. Public utility districts: Kirkwood Meadows.

(1) Existing law provides that the proposed Kirkwood Meadows Public Utility District shall have a board of directors composed of 5 members elected at large who are residents and electors of the district. Existing law authorizes the proposed district to acquire and operate parking facilities and cable television facilities, to provide snow removal and road maintenance services, and to issue bonds and incur indebtedness Existing law declares these provisions repealed on March 1, 1984, if the district is not incorporated by that date.

This bill would change the repeal date of these provisions, if the district is not incorporated, to March 1, 1986.

(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 if the Kirkwood Meadows Public Utility District is incorporated on or before March 1, 1986, it shall make payment to local agencies and school districts for costs mandated by certain provisions of this act and that, in this event, no appropriation is made and no reimbursement is required by this act for a specified reason. It would also provide that if the district is not incorporated by that date, no appropriation is made by this act for the purpose of making reimbursement pursuant to the constitutional mandate for 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. 734 (AB 885) Chacon. Health facilities.

(1) Under existing law, various provisions govern the operation of health facilities

This bill, in addition to other requirements, would require that reasonable arrangements be made for interpreters, bilingual professional staff, or for the use of other mechanisms to ensure adequate and speedy communication between patients and staff if language or communication barriers, as delineated, exist between patients and the staff of any health facility, as defined. The bill would also specify that any health facility which meets certain specified requirements imposed by federal regulation shall be deemed to satisfy the requirements of this bill regarding certain persons with impaired hearing or impaired sensory, manual, or speaking skills. Since these requirements would apply to 24-hour health facilities owned and operated by counties, cities, and districts, this bill provides for state-mandated local programs

The bill would require the State Department of Health Services to make a specified report to the Legislature on or before January 1, 1987.

The bill would specify that its provisions are not to be construed as requiring health facilities to layoff or hire additional staff to meet the requirements imposed by this bill but would require those facilities to make every reasonable effort to meet the requirements.

The bill would specify that any provision in any Medi-Cal contract negotiated by the special negotiator or the California Medical Assistance Commission prior to January 1, 1984, shall prevail over the requirements imposed by this bill but that contracts negotiated or renewed on or after that date shall, at a minimum, comply with the provisions of this bill but may include additional requirements for the provision of bilingual services.

(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, 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 735 (AB 997) M. Waters. Developmental disabilities: directors of residential facilities.

Existing law provides for the development and support of community facilities and programs for persons with developmental disabilities.

This bill would require the State Department of Developmental Services, in conjunction with regional centers and community colleges which elect to participate, to offer a uniform statewide training program for directors or licensees of residential facilities serving persons with developmental disabilities.

Ch. 736 (AB 1038) Hughes. Controlled substances. community service.

Existing law generally provides that any person who is under the age of 18 years when he or she violates a federal, state, or local law is under the jurisdiction of the juvenile court.

This bill would provide that if a minor is found to be such a person by reason of unlawfully possessing controlled substances upon school grounds during school hours, the court shall generally require, as a condition of probation, that the person perform no less than 40 hours of community service.

Ch. 737 (AB 1217) Cortese. 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.

This bill would require interest to be paid on any amount refunded under a specified statute, as a result of the reduction of assessed value following an application for equalization by a board of equalization or by a court action to recover taxes, or as a consequence of an assessor's error, or as the result of an incorrect assessment not occasioned by the act or omission of the assessee. It would require that interest be computed from whichever of 4 periods provides the longest 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 impose a state-mandated local program by increasing the instances in which interest will be paid by local agencies with refunds of property taxes.

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. 738 (AB 1425) Moore. Communications equipment: package labeling.

Under existing law, various forms of unfair competition and deceptive trade practices are prohibited.

This bill would require any person selling or offering for sale new or reconditioned telephone handsets or keysets or private branch exchanges or private automatic branch exchanges of 20-station capacity or less to specify in advertisements and catalogs, other than point-of-sale advertising, and on or in the equipment package the signaling method employed by the equipment and a general description of the services it is capable of

performing as a result and whether the equipment is registered with the Federal Communications Commission The bill would also require a retailer to give notice both on the sale premises and in advertising and catalogs, except point-of-sale advertising, of the person or persons responsible for repair of the equipment.

The bill would exempt from its requirements institutional advertising directed to a general audience rather than individual purchasers, advertising, point of sale advertising, catalogs for, and sales of, equipment not intended for direct connection to a telephone corporation's central office by way of its telephone lines, a telephone corporation's sale of used equipment located on a customer's premises, and catalogs and equipment packages for telephone equipment which are in print or in physical production on or before November 1, 1983.

The bill would declare any violation of these provisions to be unfair competition, enforceable civilly.

The bill would take effect immediately as an urgency statute to become operative on November 1, 1983.

Ch. 739 (AB 1448) Konnyu. State highways: land leases.

Existing law authorizes the Department of Transportation to lease any lands which are held for state highway purposes and not presently needed, upon terms and conditions fixed by the Director of Transportation.

This bill would, unless otherwise provided by statute, require the department to lease unoccupied, unimproved state highway lands, upon a request of a city or county, to the city or county for $1 per year, as specified. Lands leased to the city or county would be authorized to be used, first, for agricultural or gardening purposes and, second, for recreational purposes, on specified terms and conditions. The bill would permit the lands to be subleased for agricultural or recreational purposes upon notice of the department unless disapproved by the department within 10 days. If a city or county subleases the lands, it would be authorized to charge rental fees at least sufficient to pay administrative costs, and it would be required to give contiguous property owners the first opportunity to sublease them. All moneys received by a city or county from a sublease, less administrative costs, would be transmitted to the department and deposited in the State Highway Account in the State Transportation Fund. Land which has commercial, industrial, or residential use as its most feasible or best use, as determined by the department, would not be subject to these provisions.

The bill would make legislative findings that leases under the bill would serve a public purpose.

Ch. 740 (AB 1863) Farr. Industrial development.

Existing provisions of the California Industrial Development Financing Act provide for the establishment of industrial development authorities by cities and counties The authorities are authorized to issue industrial development bonds, the proceeds of which would be used to fund capital projects of private enterprise where the property acquired is suitable for industrial uses or various energy related uses.

This bill would also permit the property acquired to be suitable for research and development activities relating to commerce or industry.

Existing provisions of the California Industrial Development Financing Act provide that, except as provided by state legislation, that act provides the exclusive authority of public agencies for projects authorized by that act.

This bill would provide that all projects authorized by that act which are undertaken, carried out, or completed by redevelopment agencies shall be subject to that act, notwithstanding other laws.

The bill would permit a redevelopment agency to undertake, carry out, and complete projects authorized by the California Industrial Development Finance Act relating to the redevelopment of territory in another community which has been subject to significant factory closure, as specified.

The bill would provide for the transaction of business under the act by a redevelopment agency by resolution, as specified.

The bill would exempt a charter city from complying with the requirements of the act as to warehousing activities or motor carrier terminals

The bill would incorporate additional changes proposed by SB 323, to become opera-

tive if both bills are chaptered and this bill is chaptered last

The bill would take effect immediately as an urgency statute.

Ch. 741 (SB 244) B. Greene. Telephones: telecommunications devices for the deaf and severely hearing-impaired.

Under existing law, the Public Utilities Commission is directed to require each telephone corporation to provide, by January 1, 1984, a telecommunications device to each certified deaf or severely hearing-impaired subscriber together with a single party line at no charge additional to the basic exchange rate, and to adjust overall rates to pay the cost of this program.

This bill would direct the commission to, in addition, design and implement, over a 3-year period, a program whereby each telephone corporation shall provide a dual party relay system using third party intervention to connect deaf or severely hearing-impaired persons with persons of normal hearing through intercommunications devices and the telephone system making available reasonable access to the deaf or severely hearing-impaired of all phases of public telephone service, to initiate an investigation, conduct public hearings to determine the most cost-effective method of providing dual party relay service to the deaf or severely hearing-impaired when using a telecommunications device, and solicit the advice, counsel, and physical assistance of statewide nonprofit consumer organizations of the deaf in this regard, and to adjust overall rates not exceeding 3¢ per telephone line per month to pay the cost of this program

Ch. 742 (SB 317) Rosenthal. Board of Registered Nursing.

Existing law authorizes the Board of Registered Nursing to appoint an executive secretary who is not to be a member of the board and specifies that the executive secretary is to be a licensed nurse with specified qualifications.

This bill would change the title of the executive secretary of the board to executive officer and would provide that the board may determine the qualifications of the executive officer rather than those that are specified.

Existing law authorizes the board to hold meetings at any time and place by the written consent of all members of the board.

This bill would delete that provision.

Existing law authorizes the board to distribute copies of its directory of nurses to specified agencies.

This bill would delete that authorization.

Existing law requires the board to determine the required subjects of instruction and the number of units of instruction together with the training necessary to achieve minimum clinical competence to be completed in a school of nursing for licensure as a registered nurse.

This bill would revise that requirement by providing that the board is to determine the subjects of instruction to be completed in a school of nursing including the units of theory and clinical experience necessary to achieve clinical competency at the entry level of the registered nurse.

This bill would require the board to perform an analysis of the practice of the registered nurse at the entry level at least every 8 years and requires the determination of the subjects of instruction to include that analysis

The bill would make other related and technical nonsubstantive changes.

Ch. 743 (SB 466) Russell. Credit unions.

Existing law provides that no credit union shall invest more than ⅕ of its paid-in and unimpaired capital and surplus in specified investments, including a lot and building to be used as a business site, furniture, fixtures, vaults and other personal property necessary to carry on its business, shares of a corporation engaged in holding realty for use as a principal place of business by the credit union, and shares of credit union service corporations.

This bill would eliminate this limitation and would provide instead that a credit union shall not invest more than the amounts permitted by the Commissioner of Corporations by regulation, in these specified investments These changes would become operative on July 1, 1984.

Existing law provides that loan officers of credit unions may approve loan applications

within specified maximum limits which vary depending upon the paid-in and unimpaired capital and surplus of the particular credit union.

This bill would eliminate these maximum loan limitations.

Existing law specifies varying maximum limits on the amount a credit union may loan to a borrower as an unsecured obligation or otherwise, based upon the amount of unimpaired capital and surplus the credit union possesses

This bill would eliminate these maximum loan limitations and would provide instead that the board of directors of a credit union shall establish written policies setting forth, among other things, the maximum amounts and terms for unsecured loans, the maximum amount and terms for secured loans, the maximum maturity for any loan, a schedule of interest rates, the rate of repayment for open-end loans, and the individual loan limits applicable to all members of the credit union. The bill would provide that no credit union loan policy shall permit the extension of credit to an individual credit union member whereby the total liability of that member exceeds 10% of the actual dollar amount of share instruments on deposit with the credit union. The bill would also provide that any loan made to a member which is not a natural person shall not result in liability to the credit union in excess of that member's investment in the credit union unless an exception is authorized in the credit union's bylaws and approved by the Commissioner of Corporations.

Ch 744 (SB 496) Ellis Coastal zone· new development· seawalls.

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. These policies, among other things, require that public access be provided from the nearest public roadway to the shoreline in any new development. It exempts various activities and projects from the "new development" for these purposes.

This bill would also include the reconstruction or repair of any seawall, with a prescribed condition, within those exemptions and makes technical, nonsubstantive changes in the act

Ch. 745 (SB 510) Deddeh. San Diego Metropolitan Transit Development Board: disputes.

(1) Under the Mills-Deddeh Transit Development Act, the San Diego Metropolitan Transit Development Board is required to acquire, construct, and operate exclusive public mass transit guideways in the area under its jurisdiction and to acquire, construct, maintain, and operate public transit systems and related transportation facilities and services

This bill would require the board to coordinate the operation of all regional public transit services in the area under its jurisdiction and to establish and adopt regulations, as specified, to resolve disputes between public transit operators and local agencies, thereby imposing a state-mandated local program

(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. 746 (SB 572) Robbins Towing. kickbacks.

(1) Nothing in present law precludes a vehicle towing service from paying commissions to persons who request or arrange for their service

This bill would generally prohibit any tow service from providing and any person or public entity from accepting any form of compensation in consideration of arranging or requesting towing services The activities of employees or principals of a towing service in responding to a request for towing service would not be deemed to be "arranging" for purposes of the bill The bill would permit public entities to receive fees to cover costs in connection with towing franchises.

(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 impose a state-mandated local program by creating a new infraction.

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

Ch. 747 (SB 596) Nielsen Local coastal programs.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined. The act requires each local government lying within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction, and provides for the certification of the program by the California Coastal Commission. The commission is authorized to prepare and adopt, after a public hearing but not sooner than September 1, 1983, a land use plan for the land area within the local government's jurisdiction, if a local government fails to meet a designated schedule established by the commission

This bill would extend the date to January 1, 1984, before which the commission could not prepare and adopt the land use plan under these conditions

The bill would take effect immediately as an urgency statute.

Ch. 748 (SB 615) Rosenthal. Public Utilities Commission: hearings.

(1) Existing law provides for an expedited procedure for hearing complaints against any electrical, gas, water, heat, or telephone company brought before the Public Utilities Commission where the amount of money claimed is $750 or less.

This bill would increase that amount to $1,500.

(2) Existing law permits any person or corporation to make a complaint to the Public Utilities Commission concerning any act or thing done by a public utility and specifies the manner in which the commission must conduct proceedings concerning the complaint. Existing law also requires all state money to be deposited in trust in the custody of the Treasurer, except as specified.

This bill would authorize the commission to deposit funds entrusted to the commission by a person or corporation filing a complaint against a public utility in an insured interest-bearing account with a bank or savings and loan association, if the funds exceed $20,000, and would require the commission to pay these funds, together with the interest paid thereon, to the party specified in the commission's order or decision on that complaint.

Ch. 749 (SB 845) Keene Air pollution: subventions.

Existing law authorizes the State Air Resources Board to provide subventions of state funds to air pollution control districts and air quality management districts, with each district entitled to a minimum subvention if the district provides the required matching funds.

This bill would require, when a county district merged after January 1, 1980, into a unified district or regional district, that the minimum subvention for the county district be transferred to the unified district or regional district if the unified district or regional district provides the required matching funds. The bill would specify that the unified district or regional district would not also be eligible for per capita subvention funds.

Ch. 750 (SB 947) Presley. Schools: youth suicide prevention school programs.

Current law authorizes various programs to be jointly conducted by state and local educational agencies or institutions.

This bill would provide for the development of a statewide youth suicide prevention program through the establishment of state-mandated demonstration programs in 2 designated counties. Existing suicide prevention and crisis centers located within those counties would serve as coordinating centers for the planning and development of the statewide program. Any interested county which submits a request to the State Department of Education to participate in that process by a specified date would be permitted to do so.

The bill would require the Department of Education to annually report to the Legisla-

ture regarding the status and effectiveness of the programs established pursuant to this act, and would establish a continuously appropriated Youth Suicide Prevention School Program Fund to be administered by the department for the purposes of this act. The bill would express the intent of the Legislature that $300,000 be appropriated to this fund by the Budget Act of 1984, and in the event that a lesser amount or no money is appropriated, that the Youth Suicide Prevention School Program only be implemented to the extent funds are made available. The bill would specify that none of the provisions of this act shall be construed to prohibit the department from providing financial assistance from that fund to other counties, in addition to the counties maintaining the demonstration programs, for purposes of youth suicide prevention school programs. Any county receiving such funds would be required to annually provide the Director of Finance, the Legislature, and the department with a specified accounting and program evaluation report for the previous year

The provisions of this bill would become operative on July 1, 1984.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program in the two counties designated to maintain the demonstration youth suicide prevention school programs pursuant to the provisions of the bill.

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 repeal the provisions establishing the youth suicide prevention school programs on June 30, 1987

Ch. 751 (SB 1010) Alquist. Public finance: Treasurer.

(1) An existing provision of the Government Code, which relates to pledges of money made to secure the performance of an act or duty and the deposit of the money with the Treasurer, refers to the State Treasurer.

This bill would delete the term "State", and make a related change.

(2) Under existing law, there is, in the State Treasury, a Local Agency Investment Fund Local governmental agencies and specified non-profit corporations and quasi-governmental agencies may remit money not required for immediate needs to the Treasurer for deposit in the fund for the purpose of investment.

At the end of each calendar quarter, earned interest and other increment derived from the investments are distributed to the entities which have remitted funds. An amount equal to the reasonable costs incurred in carrying out these provisions, not to exceed a maximum of one-quarter of 1% of the earnings of the fund, is deducted from the earnings prior to distribution and is deposited in the General Fund.

This bill would require that the deduction be credited as reimbursements to the state agencies having incurred costs in carrying out the provisions, rather than requiring that the deduction be deposited in the General Fund.

(3) Existing law also provides that on and after July 1, 1983, no moneys in any fund which, by any statute other than the Budget Act, is continuously appropriated without regard to fiscal years, may be encumbered unless the Legislature, by statute, specifies that moneys in the fund are appropriated for encumbrance.

This bill would provide the authority for the continuing appropriation of the Local Agency Investment Fund for the purposes of carrying out the above provisions on and after July 1, 1983; thus, this bill would make an appropriation.

Ch. 752 (SB 1109) Ellis. Mobilehome dealers

Under existing law, dealers in mobilehomes and commercial coaches are required to be licensed.

This bill would authorize the Department of Housing and Community Development to issue citations to persons acting as dealers without a license and to assess a civil penalty not to exceed $2,000 and an order of abatement to those persons The bill would provide

procedures to be followed in using these sanctions and prescribe the means of enforcement.

The Mobilehome Revolving Fund was created in 1973, and was continued in existence and renamed the Mobilehome-Manufactured Home Revolving Fund in 1981. This bill would provide that the civil penalties discussed above shall be deposited in the Mobilehome-Manufactured Home Revolving Fund, which recites that it is continuously appropriated to the Department of Housing and Community Development. ~~However, another provision of state law enacted in 1978 provides that continuously appropriated funds may not be encumbered on and after January 1, 1983, unless the Legislature appropriates the money.~~* Thus, this bill would ~~not~~* make an appropriation by reason of adding new funds to a continuously appropriated fund.

Ch. 753 (SB 1198) Nielsen. School district 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 provide that a school district shall not be required to budget from local district funds an amount greater than ½% of the total general funds and adult education funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service, in order to be eligible for the apportionment

Ch. 754 (SB 246) Keene. Mental health. commitments.

(1) Existing law permits a person to be confined for further mental health treatment for a period not to exceed 180 days, after a 14 day period of intensive treatment, if certain conditions are met.

This bill would permit the confinement of persons for further mental health treatment if that person had made a serious threat of substantial physical harm upon the person of another within 7 days of being taken into custody which, at least in part, resulted in he or she being taken into custody, and the person presents, as a result of mental disorder or defect, a demonstrated danger of inflicting substantial physical harm upon others.

(2) Existing law requires that state summary criminal history information of persons incompetent to stand trial, not guilty by reason of insanity, or formerly committed as mentally disordered sex offenders be furnished to certain persons when needed in the course of their duties. Existing law requires this information to be transmitted by the court with the request for evaluation or during the conservatorship investigation, or with the order committing the person to a treatment facility or approving outpatient status.

This bill would impose a state-mandated local program by also requiring this information to be furnished to the prescribed persons when needed in the course of their duties for persons certified for not more than 14 days of intensive treatment for being dangerous to others or confined for further mental health treatment at the expiration of the 14-day period of intensive treatment. The bill would permit the director of a state hospital, the county mental health director, and the officer providing conservatorship investigation to receive this information from the law enforcement agency that referred the person for evaluation and treatment if the person has been subsequently committed, as specified, for being dangerous to others.

(3) Existing law states that "demonstrated danger" may be based on assessment of present mental condition, which is based upon a consideration of past behavior of the person and other relevant evidence.

This bill would limit the past behavior to six years prior to the time the person attempted, inflicted, or threatened physical harm upon another.

(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

to courts if there are any additional costs incurred as a result of new requirements in (2) above, but would recognize that a court may pursue 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. 755 (AB 1551) Hauser. Mental health: confidentiality.

(1) 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.

Existing law also requires the notification of the county mental health director and of certain peace officers upon the release of the person before the full period allowable in the 72-hour facility or if the person is not detained if (a) the peace officer requested this notification at the time of application for 72-hour evaluation and treatment, and (b) the officer certified in writing that the person has been referred to the facility under circumstances which would support a criminal charge.

This bill would require this notification to be given to a person designated by the law enforcement agency which employs the peace officer when appropriate In regards to (b) above, to receive notification the officer would be required by the bill to certify in writing, at the time of application for evaluation and treatment, that the person has been referred to the facility under circumstances which, based upon an allegation of facts witnessed by the officer or another person, would support the filing of a criminal complaint. This bill would require that the notice be limited to the person's name, address, date of admission for 72-hour evaluation and treatment, and date of release. The bill would also require such notification when a person is unconditionally released after being certified for 14-day intensive treatment. The bill would require the destruction of any record of information obtained pursuant to the above notification provisions which police officers, law enforcement agencies, or the designee of law enforcement agencies possess 2 years after the receipt of notification.

This bill would impose a state-mandated local program by imposing this new duty to notify on a county facility which evaluates and treats patients under the Lanterman-Petris-Short Act. It would also impose a state-mandated local program by requiring police officers, law enforcement agencies, or designees of law enforcement agencies, to destroy information as specified above.

This bill would incorporate additional changes in Section 5328 of the Welfare and Institutions Code, proposed by SB 162 to be operative only if SB 162 and this bill are both chaptered and this bill is chaptered last.

(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. 756 (AB 1218) Connelly. Elections.

Under existing law, a county clerk is required to submit the sample ballot of each political party to the respective chairmen of the county central committees and to mail a copy to each candidate for whom nomination papers have been filed

This bill would require the clerk to post a copy of the sample ballot in a conspicuous place rather than mailing it to the candidates who reside in the county.

Existing law requires that ballots shall be printed in substantially the same form as

shown in the Elections Code.

This bill would repeal the provision and delete the sample ballots appearing in the Elections Code.

Existing law specifies a ballot format for proposed county, city, or district ordinances.

This bill would specify a similar format for proposed state, county, city, or district referendums.

Existing law allows the statement of measures appearing on the ballot to be abbreviated on the ballot

This bill would allow for the abbreviation provided each and every statement of measures on the ballot is so abbreviated.

This bill also makes various technical amendments to Elections Code provisions, as specified.

This bill would incorporate additional changes in Section 23521.5 of the Elections Code, proposed by AB 1459, to be operative only if AB 1459 and this bill are both chaptered and become effective January 1, 1984, and this bill is chaptered after AB 1459.

Ch. 757 (AB 1558) La Follette. Prisons. parole revocation.

Existing law limits to 12 months any confinement pursuant to a revocation of parole in the absence of a new conviction and commitment to prison under other provisions of law.

This bill would make an exception to that limitation where there is a finding of good cause to believe that a parolee has committed an act which could be prosecuted as a felony or as a misdemeanor or an act of misconduct, as specified. The bill would provide that upon such a finding of good cause, the confinement may be extended to not more than 180 days for a felony, not more than 90 days for a misdemeanor, and not more than 30 days for an act of misconduct, as prescribed.

The bill would also make technical, conforming changes

Ch. 758 (AB 1956) M. Waters. Conduct of an election.

(1) Existing law requires the Secretary of State to conduct 4 drawings of the letters of the alphabet, the result of which is known as a randomized alphabet, for purposes of establishing the order of candidates' names on the ballot. In odd-numbered years the drawing takes place on the 62nd day before the November election.

This bill would require the drawing in odd-numbered years to take place on the 82nd day, rather than the 62nd day, before the November election.

Existing statutes authorize a general law city to consolidate its election with that of a school district election.

This bill would require, in that consolidated election, the nomination period to be that of the district's nomination period.

Ch. 759 (AB 23) Mountjoy. Vehicles. license fees.

(1) Existing law authorizes the Department of Motor Vehicles, upon payment of the current year vehicle license and registration fees, to waive payment of those fees and any penalty thereon by a transferee or purchaser of the vehicle for any year for which fees are unpaid and due, if the department determines that the fees became due prior to the transfer or purchase of the vehicle and that the transferee or purchaser was not cognizant of the fact that the fees were unpaid and due.

This bill would authorize the department to so waive the fees and any penalty thereon without payment of the current year fees under specified conditions.

(2) Under existing law, delinquent vehicle license fees, registration fees, transfer fees, use taxes, bail for parking offenses, and related service fees, interest, and penalties generally constitute a lien on the vehicle for which due. Collection of these fees and penalties may be accomplished by seizure and sale of the vehicle and any other vehicle in the possession of the same person.

This bill would authorize seizure and sale of all vehicles owned by the owner of the licensed vehicle, instead of all vehicles in the person's possession. The bill would provide for effecting collection by appropriate civil action in lieu of seizure and sale of the vehicle subject to the lien. The bill would authorize the department to refuse registration, renewal, or transfer of registration of a vehicle encumbered by the lien.

(3) Under existing law, when the registration of a vehicle subject to such a lien has

expired and has not been renewed, the department may seize and sell one or more vehicles in the possession of the owner to satisfy the lien plus costs

This bill would require that vehicles seized and sold be owned by the person owning the vehicle subject to the lien.

(4) Existing law requires the Registrar of Vehicles to grant a hearing, upon request, prior to selling a vehicle for delinquent registration.

This bill would allow the registrar or his or her authorized representative to reconsider a decision made pursuant to such a hearing within 3 years after the disputed fee or tax first became due.

(5) Under existing law, a legislative appropriation from the Motor Vehicle Account in the State Transportation Fund is required before the proceeds of a lien sale conducted by or on behalf of the Registrar of Vehicles may be distributed.

This bill would require the department to allocate specified portions of the sale proceeds without first depositing the moneys in the Motor Vehicle Account and without necessity of an appropriation

(6) Under existing law, the department may seize a vehicle for unpaid registration fees. In such cases, the department is required to give immediate notice to the legal and registered owners and other persons known to be claiming an interest in the vehicle.

This bill would instead require this notice to be given within 48 hours after the seizure, excluding weekends and holidays

(7) This bill would amend Section 9800 of the Vehicle Code, to incorporate the changes in that section proposed by SB 552, if both this bill and SB 552 are chaptered and this bill is chaptered last.

Ch. 760 (AB 1789) Roos. Civil engineers.

Existing law generally authorizes civil engineers to engage in the practice of land surveying with the same rights and privileges, and the same duties and responsibilities of a licensed land surveyor; however, existing law requires civil engineers who become registered after January 1, 1982, to pass a prescribed examination in order to engage in the practice of land surveying.

This bill would provide instead that civil engineers registered prior to January 1, 1982, shall be authorized to practice land surveying, as specified. The bill would authorize a civil engineer who is not authorized to perform land surveying to offer to practice or procure land surveying work provided all the land surveying work is performed by, or under the direction of, a person authorized to perform land surveying, as specified. The bill would set forth an analogous provision for land surveyors performing civil engineering work, as specified.

Existing law provides that a person who is registered as a civil engineer, among others, is qualified to take the second division of the examination for licensure as a land surveyor.

This bill would require that in order to be qualified for that examination the engineer shall have 2 years of actual experience in land surveying.

The bill would specifically include activities with respect to the alignment, elevation, or position of fixed works by specified means among those included in the statutory definition of the practice of civil engineering and the practice of land surveying.

The bill would also declare that the authority of a licensed land surveyor or registered civil engineer to prepare, sign, issue, stamp, or seal any map, plat, report, description, or other document shall be consistent with that person's authority to practice land surveying

Ch. 761 (AB 1199) Lancaster Unemployment insurance: eligibility.

(1) Existing law provides that, for purposes of qualifying for unemployment insurance benefits, an individual is unemployed in any week in which he or she meets any one of specified conditions, including any week of less than full-time work

This bill would provide that an individual is unemployed in any week of less than full-time work only if the wages payable to him or her with respect to the week, when reduced by $25 or 25% of the wages payable, whichever is greater, do not equal or exceed his or her weekly unemployment compensation benefit amount.

This bill would exclude from wages any payment received by a member of the National Guard or reserve component of the armed forces for inactive duty training, annual training, or emergency state active duty.

(2) Under existing law, an unemployed individual who has been disqualified from receiving unemployment compensation benefits because he or she refused to accept or apply for suitable employment without good cause is still required to report at a public employment office. This disqualified individual is disqualified for an additional week for each week during which he or she fails to report without good cause.

This bill would delete the provision of law requiring disqualification for additional weeks The bill would also make technical changes regarding department determination of claimants' eligibility for benefits

(3) Existing law makes a rebuttable presumption that an individual has been discharged for reasons other than misconduct in connection with his or her work and not to have voluntarily left his or her work without good cause unless the former employer has given written notice, within five days, to the contrary.

This bill would extend the time period for an employer's written notice from five days to 10 days

(4) This bill would make a minor technical change in the provisions governing eligibility for state extended unemployment compensation benefits.

(5) This bill would also provide for reports to certain legislative committees relating to certain notices of computations sent to employers regarding the filing of claims.

Ch. 762 (AB 631) McAlister Workers' compensation: public safety employees.

Existing law provides that whenever a specified public safety officer is disabled by injury or illness arising out of and in the course of his or her duties, he or she shall become entitled to a leave of absence while so disabled without loss of salary in lieu of workers' compensation temporary disability payments for the period of the disability, but not exceeding one year, or until such earlier date as he or she is retired on permanent disability pension.

This bill would include a harbor policeman of any harbor district as a public safety officer entitled to this leave of absence, and would provide that the leave of absence for these public safety officers shall continue for the period of the disability, not exceeding one year, or until such earlier date as the officer is retired on permanent disability pension, and is actually receiving disability pension payments.

This bill would impose a state-mandated local program by requiring local public agencies to provide the specified leave of absence for public safety officers not now entitled to the leave, and for time periods after retirement on permanent disability pension, but before actually receiving disability pension payments.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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, 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 763 (SB 1037) Robbins Consumer credit: delinquency charges.

Existing law relating to retail installment contracts prescribes the amount of charges that may be made for each installment in default, as specified. Existing law relating to retail installment accounts provides, however, 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.

This bill would provide that, notwithstanding the latter provision, a seller or holder of a retail installment account may, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer, provide that the buyer shall pay delinquency and collection charges identical to those prescribed for installments in default under a retail installment contract.

Ch. 764 (SB 420) Dills. Liens. vehicles.

Existing law provides, with respect to a lien which arises because work or services have been performed on a vehicle with the consent of the registered owner, that that portion of the lien in excess of $500 for any work or services, or that amount in excess of $400 for any storage, safekeeping, or rental of parking space, is invalid, unless prior to commencing any such work, services, storage, safekeeping, or rental of parking space, the person claiming the lien gives actual notice, as specified, and the consent of the holder of the legal title is obtained

This bill would revise the above provisions to provide that it is that portion of the lien in excess of $750 rather than $500 which is invalid if notice and consent are not provided as specified.

Ch. 765 (AB 272) M. Waters. Restraint of trade: notice of actions to Attorney General.

Existing law provides that any person, who is injured in his or her business or property, and the Attorney General, on behalf of the state or of any of its political subdivisions or public agencies, and the district attorney of any county, on behalf of that county or any city or public agency or political subdivision located within that county, may bring an action for relief against unlawful combinations in restraint of trade, as specified.

This bill would provide that any person, other than the Attorney General or a district attorney, who commences, by writ or appeal, any proceeding in the Supreme Court of California or a state court of appeal in which a violation of the provisions relating to combinations in restraint of trade is alleged or any application of such provisions is in issue shall serve notice thereof upon the Attorney General within 3 days after the commencement of proceeding, provided that such time may be extended by the Chief Justice or presiding justice for good cause shown. The bill would also provide that no relief, temporary or permanent, shall be granted until proof of service of this notice is filed with the court.

Ch 766 (AB 1501) Killea. State contracts. late state payments

Existing law provides that when a state agency, without reasonable cause, as defined, fails to make a payment to a small business, as defined, which has submitted an undisputed claim pursuant to a contract to supply property or services, within 30 days of the required payment date, as defined, the agency 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. Existing law specifies, among other things, that the Controller shall pay the penalty out of the agency's budget, and requires the head of the agency to report to the Legislature on the corrective action taken.

This bill would include nonprofit public benefit corporations, as defined, which contract with state agencies for an amount less than $500,000 in the above provisions No payment penalty could be made if there has been an advance payment made, as specified or if the state agency has failed to make timely payment because no Budget Act has been enacted.

Ch. 767 (SB 201) Mello. Monterey Peninsula Water Management District.

(1) Under existing law, the Monterey Peninsula Water Management District is authorized to construct and maintain public recreational facilities appurtenant to any water reservoir and to adopt regulations governing the use of the facilities

This bill would authorize the district, with specified exceptions, to restrict the use of or close to motorized vehicles, the Carmel River, its bed and banks, or any portion thereof, for the protection of the public or the protection of the river or its bed and banks from damage. The bill would impose a state-mandated local program by making violation of the restrictions a misdemeanor.

The bill would also authorize the district to issue permits authorizing a person to excavate or repair any bed or bank of the Carmel River or its tributaries or to plant, irrigate, remove, cut, or destroy any tree, shrub, or plant The bill would exempt specified activities from these provisions

(2) Under existing law, prior to the conclusion of the hearing on a proposed district work or project, a written protest may be filed which is signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing ½ or more of the assessed valuation of the real property within the zone or within any of the participating zones for which the work or project was initiated.

This bill would permit a written protest which is signed either by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, within the zone or within any of the participating zones, or by the holders of title to a majority of the assessed valuation of the real property within the zone or any of the participating zones.

(3) Under existing law, bonds of the district may bear interest at a rate or rates not to exceed 8%, but specified provisions applicable generally to local agency bonds permit the issuance of bonds at a higher rate or rates.

This bill would permit district bonds to bear interest at a rate or rates not to exceed 12% or any higher rate or rates permitted pursuant to those specified provisions.

(4) Under existing law, bonds of the district may not be sold at less than 100% of par value.

This bill would permit district bonds to be sold at not less than 90% of par value.

(5) The bill would make other technical and related changes

(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. 768 (SB 570) Foran. Insurance: uninsured motorist coverage

Existing law makes provision for uninsured motorist arbitration where the insurer and the insured disagree as to the amount of damages that the insured is legally entitled to recover. Other provisions of existing law authorize an attorney to sign and issue a subpoena to require attendance before the court in which an action or proceeding is pending or at the trial of an issue therein.

This bill would provide that uninsured motorist arbitration be deemed a proceeding and the hearing before the arbitrator a trial of an issue therein for purposes of authorizing an attorney to sign and issue subpoenas.

Under existing law, a policy of motor vehicle bodily injury liability insurance is required to contain uninsured motorist coverage, unless the insurer and insured agree in writing to delete or limit that coverage Existing law provides that the agreement is binding with respect to any continuation, renewal, or replacement of the policy

This bill would provide that the agreement is binding with respect to any continuation or renewal, or with respect to any other policy which extends, changes, or replaces the policy, as specified

This bill would also provide that the uninsured motorist requirement does not apply if the automobile liability coverage is provided only on an excess or umbrella basis, and would specify that the requirements shall not be construed to require that coverage be offered in a homeowner's policy, personal and residents' liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or other policy where automobile liability coverage is incidental to other basic coverage, as specified.

The bill would incorporate additional amendments proposed by S B. 538, to become operative if both bills are chaptered and this bill is chaptered last

Ch. 769 (SB 1192) Vuich Grape Inspection Advisory Committee.

(1) Under existing law, in order to prevent fraud and deception in any transaction which involves fresh grapes for wine and byproduct purposes, as specified, the determination of the average percentage of soluble solids, which is the basis of the purchase price for the grapes, is made and certified to by the county agricultural commissioner The board of supervisors establishes a scale of fees for the certification which is paid for by the person that accepts delivery of the grapes.

This bill would authorize the person that accepts delivery of the grapes to deduct ½ of the certification fees from moneys owed to the person who delivered the grapes.

(2) Under existing law, when the percentage of rot or foreign material has any effect on the amount of the purchase price of fresh grapes for wine and byproduct purposes,

the determination of that percentage is required to be made by the Director of Food and Agriculture The director is authorized to charge fees for that determination.

This bill would require that the fees be paid by the person that accepts delivery of the grapes and would authorize one-half of the fees to be deducted from money owed to the person who shipped the grapes.

(3) Existing law establishes in the Department of Food and Agriculture, the Grape Inspection Advisory Committee consisting of 8 wine producers and one public member appointed by the director. There is also in the department, the Growers Grape Inspection Advisory Committee consisting of 8 wine grape growers and one public member appointed by the director.

This bill would change the name of the Grape Inspection Advisory Committee to the Wine Grape Inspection Advisory Committee, specify the primary goal of the committee, and add 8 wine grape growers to the committee. The initial terms of office of all the members would be specified. The bill would also abolish the Growers Grape Inspection Advisory Committee

Ch. 770 (AB 271) M. Waters. Small business development

Under the existing law, various provisions of the Small Business Development Corporation Law, including those establishing the continuously appropriated Small Business Expansion Fund and those relating to the creation and maintenance of a central staff for California small business development corporations, urban development corporations, and rural development corporations, were repealed as of January 1, 1983, pursuant to Section 15 of Chapter 924 of the Statutes of 1977.

This bill would reenact these provisions to reinstate the law as it existed on December 31, 1982 and would make related clarifying changes.

Under existing provisions of the Small Business Development Corporation Law, the Small Business Development Board consists of various persons, including 2 business or agricultural persons, one appointed by the Speaker of the Assembly and one by the Senate Rules Committee

This bill would provide that those 2 appointees serve for a one-year term, subject to removal at the pleasure of the appointing authority

Under existing law, among other things, the Small Business Development Board reviews articles of incorporation of small business development corporations, and recommends their approval or disapproval.

This bill would provide with respect to that recommendation, that the approval or disapproval of articles and amendments includes changes in the articles of incorporation or directors.

This bill would require each small business development corporation to have a grievance procedure, and would provide for appeal in certain instances to the Office of Small Business Development It would also provide that the Executive Director of the Office of Small Business Development or his or her designee shall be an ex officio representative on the board of directors and loan committees of each urban and rural development corporation. It would also provide that the state shall continue to have jurisdiction and to exercise supervision over urban and rural development corporations which have achieved independence from state administrative funding, as specified

This bill would take effect immediately as an urgency statute

Ch 771 (AB 1462) Kelley Environmental quality· negative declarations.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would specifically require a negative declaration to be prepared with respect to a proposed project if there is no substantial evidence before the agency that the project may have a significant effect on the environment or an initial study identifies potentially significant effects on the environment but revisions in the project plans would avoid or mitigate those effects to a point where clearly no significant effects would occur and there is no substantial evidence that the revised project may have a significant

effect on the environment.

(2) This bill would incorporate additional changes in Section 21080 of the Public Resources Code made by AB 713, to be operative only if both this bill and AB 713 are chaptered before January 1 1984, and this bill is chaptered last.

Ch 772 (AB 1138) Felando Adult day health care. pilot project

The State Department of Health Services is responsible for administering the California Adult Day Health Care Act and the Adult Day Health Medi-Cal Law

This bill would require the department to administer a pilot project for adult day health care services to Medi-Cal recipients in private for profit facilities, as specified The department would be required to submit reports to the Legislature on the progress of the pilot project, as specified.

The bill provides that selection of pilot project facilities and preparation of the required reports shall be performed in consultation with representatives of both for-profit and nonprofit adult day health care facilities, as well as consumer representatives

The bill provides that the pilot program shall be funded to the extent possible for the 1982–83 and 1983–84 fiscal years, and program funding shall not adversely affect funding of nonprofit adult day health programs in place prior to enactment of this program.

The bill specifies that its provisions shall only be operative upon the obtaining of any necessary waivers from the federal government, and the Director of Health Services is required to seek these waivers

The bill specifies that the pilot project would terminate January 1, 1986.

Ch 773 (SB 816) Seymour Public retirement systems

The existing Public Employees' Retirement Law (PERL) provides that, for purposes of payments into or out of the retirement fund for adjustments of errors or omissions, the period of limitation of actions otherwise applicable, shall not commence to run until discovery thereof, except, that as to actions against a retired member or beneficiary based on erroneous payment from or to the system, the period would commence from the date of the payment

This bill would remove from the exception, payments which are erroneous because of the death of the retired member or beneficiary or because of the remarriage of the beneficiary.

Existing provisions of PERL (a) provide for various methods by which certain adjustments may be made, (b) provide, when optional members elect to purchase service credit for prior service, for charging the required employer contributions in lump-sums to the employer, (c) provide, when a member elects to purchase service credit for time while absence on military leave, for charging the employer contributions in lump-sum to the employer

This bill would repeal item (b) above and provide, in items (a) and (c) above, for including those matters in the employer rate at the next valuation.

The existing PERL does not authorize beneficiaries or survivors where monthly allowance is less than $10 to elect to receive the actuarial equivalent in one payment

This bill would provide such an authorization

The existing PERL authorizes, under specified conditions, upon the death of a retired person, the system to pay the funeral director certain amounts

This bill would revise that provision to authorize the payments for expenses of the disposition of the body, under specified conditions

A provision of PERL provides for the redeposit in the retirement fund of unclaimed or uncalculatable benefits, while under the Unclaimed Property Law, unclaimed benefits under the Legislators' Retirement System and the Judges' Retirement System escheat to the state under specified conditions

This bill would add similar redeposit provisions to the Legislators' Retirement Law and the Judges' Retirement Law

Ch. 774 (SB 916) Marks Emergency medical services

Under existing law, emergency medical technicians and paramedics are required to pass a competency examination and be recertified at least every 2 years

This bill would provide that these persons shall be required to renew their cardiopulmonary resuscitation certificate no more than once every 2 years

Ch 775 (SB 1034) Petris. Community property.

Under California case law prior to a June 25, 1981, decision of the United States Supreme Court, military retirement benefits were considered to be community property. The United States Supreme Court held that military retirement benefits were not divisible in a dissolution proceeding as community property However, Congress subsequently enacted a law, effective February 1, 1983, providing that the states may treat these military retirement benefits as community property

This bill would authorize the modification of community property settlements, judgments, or decrees that became final on or after June 25, 1981, and before February 1, 1983, to include a division of military retirement benefits payable on or after February 1, 1983, as community property. Any proceeding to modify a settlement, judgment, or decree would be required to be brought before January 1, 1986. These provisions would remain in effect until January 1, 1986, when they would be repealed.

Ch. 776 (SB 327) Johnson. Air pollution: air curtain destructor.

(1) Existing law authorizes the use of an air curtain destructor for disposal of Group 2 solid waste in the San Bernardino County Air Pollution Control District if the State Air Resources Board makes a finding that the public health and safety will not be adversely affected by the continued use of the air curtain destructor after a 6-month experimental period.

This bill would authorize the use of an air curtain destructor for disposal of Group 2 solid waste in the Sierra County Air Pollution Control District for a 2-year period. The air curtain destructor could be used after the 2-year period if the state board makes a finding that the public health and safety would not be adversely affected. The bill would require the Sierra County health officer or the Division of Occupational Safety and Health to order an immediate halt to the use of the air curtain destructor if either finds that operation adversely affects the health or safety of the public or of the operators.

The bill would impose a state-mandated local program by requiring Sierra County to keep records of disposal volumes and costs of operation.

The provisions of the bill would be repealed January 1, 1990, unless a later enacted statute deletes or extends that date

(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. 777 (SB 458) Petris Employee housing

(1) The existing Employee Housing Act requires every person who operates a labor camp, as defined, to obtain a permit to operate the camp from the enforcement agency, which may be the Department of Housing and Community Development or any city or county that has elected to assume responsibility for the enforcement of the Employee Housing Act The term labor camp is defined to include, among other things, any living quarters, housing accommodations, or a labor supply camp, maintained in connection with any work or place where work is being performed or the area set aside and provided for parking of mobilehomes or camping of 5 or more employees by the employer

This bill would include, within the meaning of the term labor camp, any housing accommodations located in any rural area that are not maintained in connection with any work or workplace, and which have been used prior to January 1, 1984, or used on or after that date, for a purpose that falls within the meaning of a labor camp under existing law, but which is provided for that purpose, on or after January 1, 1984, by someone other than an agricultural employer, as defined The bill would exclude a hotel, motel, inn, tourist hotel, or permanent housing, as defined, which has not been maintained, prior to January 1, 1984, or which is not maintained on or after that date, for use in connection with any work or place where work is performed from the meaning of that term.

The bill would exclude from the meaning of the term "labor camp" housing, and the premises upon which it is situated, owned by a public entity or a private nonprofit entity, and privately owned housing, and the premises upon which it is situated, financed with

public funds equaling 50% or more of the purchase cost.

(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 impose a state-mandated local program by defining a new crime and by requiring cities and counties which have elected to assume the responsibility for enforcing the Employee Housing Act to assume additional responsibilities with respect to that act.

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

Ch. 778 (SB 607) Speraw. Health facilities: standards of spatial adequacy and safety.

Under existing law, the State Department of Health Services establishes licensure standards for licensed health facilities. Also, under existing law the Office of Statewide Health Planning and Development adopts and is responsible for enforcing or supervising the enforcement of building standards for hospitals affected by the Hospital Seismic Safety Act of 1982, subject to more restrictive or additional local requirements

This bill would require the office to adopt and enforce regulations prescribing building standards for all licensed health facility physical plants. The bill would also correct a cross-reference and make other technical corrective changes

Ch. 779 (SB 631) McCorquodale. Prisoners: costs of confinement.

Existing law provides that when a person convicted of a criminal offense is allowed as a condition of probation to continue his or her employment and to serve his or her sentence on weekends or other times, the county may collect from the defendant according to the defendant's ability to pay the costs of administering the program allocable to the defendant. The costs are to be collected upon completion of each weekly period of confinement and may be collected through execution but shall not be enforced by contempt orders

This bill would provide that the costs may be collected prior to each weekly or monthly period of confinement.

Ch. 780 (SB 714) Russell. Public retirement systems

(1) Existing State Teachers' Retirement Law creates in the Teachers' Retirement Fund a continuously appropriated Retirees' Purchasing Power Protection Account into which certain annual Budget Act appropriations from the General Fund are to be placed and from which nonvested, noncumulative, quarterly payments commencing on September 1 are to be annually distributed proportionately to all retirants, disabilitants, and beneficiaries the purchasing power of whose benefits are less than 75%, as specified.

This bill would eliminate the 75% criterion and, instead, require the benefits to be increased to a common minimum purchasing power level and express related legislative intent.

(2) The existing Public Employees' Retirement Law authorizes public agencies, as defined, to contract with the Public Employees' Retirement System

This bill would include in, and exclude from, the definition of "public agencies," certain entities formed pursuant to specified federal or state job training laws.

(3) The Public Employees' Medical and Hospital Care Act is, pursuant to its provisions, administered by the Board of Administration of the Public Employees' Retirement System.

This bill would appropriate $200,000 from the Public Employees' Medical and Hospital Care Act Contingency Reserve Fund to the board for retaining a qualified health cost consultant to perform specified duties regarding the application of cost containment methodologies and the implementation of any authorized recommendations, express legislative intent; require various related reports

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

Ch. 781 (SB 902) Watson. Physically disabled persons.

Existing law does not require a person, firm, organization, or corporation who owns or manages places of public amusement and resort, including theaters, concert halls, and stadiums, to provide seating or accommodations for physically disabled persons in a variety of locations within the facility so as to provide such persons a choice of admission prices otherwise available to members of the general public.

This bill would so provide to the extent such variety can be provided while meeting fire and panic safety requirements of the State Fire Marshal, and with respect to such facilities or structures which are publicly or privately owned and for which a building permit or a building plan for new construction, as defined, has been issued on or after January 1, 1985 The bill would not apply to hotels or motels.

Ch. 782 (SB 994) Maddy Discovery.

Existing law permits a reasonable continuance after testimony by a defense witness other than the defendant unless the court finds that the prosecutor should have been aware of the evidence

This bill would permit a reasonable continuance after testimony by any defense witness unless the court finds that the prosecutor should have been aware of the evidence. If the continuance is granted because of the defendant's testimony, it shall not exceed one day.

Ch. 783 (AB 116) McAlister. Insurance.

(1) Existing law provides that every nonprofit hospital service corporation is a charitable and benevolent institution and all of its funds shall be exempt from all and every state, county, district, municipal and school tax other than taxes on real estate and office equipment.

This bill would provide instead that every nonprofit hospital service corporation is a charitable and benevolent institution and all of its funds and assets shall be exempt from all and every state, county, district, municipal and school tax and other levies other than taxes on real estate and office equipment, and would specify that these provisions prohibit the imposition of a tax on the transfer of tangible assets to certain nonprofit hospital service plans from another nonprofit hospital service plan, applicable only to transfers concluded before January 1, 1983

(2) Existing law governing nonprofit hospital service plans permits a hospital service contract, by agreement with group contractors, to limit payments to services secured from institutional providers charging alternative rates, and after July 1, 1983, to services secured by both professional and institutional providers.

This bill would specify that the above provisions and related provisions shall not be construed to authorize a hospital service plan to engage in the practice of medicine, or to exercise medical or dental professional judgment

Ch. 784 (AB 353) McAlister Insurance· Bureau of Fraudulent Claims

Existing law, until January 1, 1984, provides for the existence of a Bureau of Fraudulent Claims within the Department of Insurance for specified purposes.

This bill would extend the January 1, 1984 termination date to January 1, 1988.

Ch 785 (AB 451) Elder. San Pedro Bay. liability of pilots.

Various provisions of state and local law provide for the licensing and regulation of bar pilots.

This bill would authorize pilots holding valid licenses for San Pedro Bay and its approaches and tributaries, their associations, employers, and others providing piloting services in San Pedro Bay to limit liability for the rendering and performance of those services by contracts or tariffs containing substantially specified terms and provisions The bill would require a pilot, upon reasonable notice from the owners, agents, charterers, or operators, to provide insurance covering the vessel, its owners, agents, charterers, or operators from the consequences of negligence of the pilot or his employer on a trip basis with limits of coverage established by agreement between the pilot and the party requesting the insurance, would require the premium to be assessed in addition to the rates and charges for the pilotage services, and would specify related matters.

The bill would also require the Legislative Analyst to prepare a report to the Legislature on or before January 1, 1986, examining the issue of limiting the liability of pilots and their employers as provided by this bill and the effects of this limited liability on the maritime industry

Ch. 786 (AB 489) Chacon. Department of Motor Vehicles: services.

Existing law does not specify requirements for promptness in serving the public with respect to the Department of Motor Vehicles

This bill would declare the intent of the Legislature that the department, to the extent permitted by available resources, provide service within ½ hour after arrival of any person requesting an original or renewal registration, driver's license, or identification card The bill would require the Legislative Analyst to report to the Legislature, on or before July 1, 1984, on the best use of resources to achieve the purposes of the bill

Ch 787 (AB 682) Frizzelle. Housing.

(1) Existing law requires cities, counties, and cities and counties to adopt a general plan which includes, among other things, a housing element The housing element is required, among other things, to make adequate provision for the existing and projected housing needs of all economic segments of the community.

This bill would require a city, county, or city and county which adopts a requirement in its housing element that a housing development contain a fixed percentage of affordable housing units to permit a developer to satisfy all or a portion of that requirement by constructing rental housing at affordable monthly rents, as determined by the city, county, or city and county and, by doing so, would impose a state-mandated local program

The bill would specify that its provisions shall not be construed as expanding or contracting the authority of a city, county, or city and county to adopt an ordinance, charter amendment, or policy requiring that any housing development contain a fixed percentage of affordable housing units.

(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 788 (AB 831) Bronzan Occupational safety and health use of explosives

Existing law provides that in any tunnel or mine under the jurisdiction of the Division of Occupational Safety and Health, the use of explosives shall be limited to persons licensed by the division

This bill would, in addition, provide that at every place of employment where explosives, as defined, are used in the course of employment, there shall be a person licensed, as specified, to supervise and direct the blasting operation, and would specify exceptions to this requirement

Ch 789 (AB 975) Tucker Acupuncture licensing

Under existing law, the Acupuncture Examining Committee is required to issue a certificate to practice acupuncture to any person who makes an application and meets certain requirements, including completing a course or tutorial program in acupuncture or having 3 years experience in performing the practice of an acupuncturist

This bill would revise those requirements to require that the applicant complete an education and training program or tutorial program in the practice of an acupuncturist The bill would further require an applicant who has completed an education and training program and who was issued a diploma to practice acupuncture by a school not located in the United States to complete a period of clinical service under the supervision of a certified acupuncturist, as prescribed, which does not exceed 9 months, prior to taking the certification examination

Existing law requires the committee to establish standards for the approval of courses in training in acupuncture

This bill would instead require the committee to establish standards for the approval

of schools and colleges offering education and training in the practice of an acupuncturist, as specified, and further authorize the committee to investigate and evaluate those schools or colleges applying for approval.

Ch. 790 (AB 1023) Katz. Controlled substances: methaqualone.

Existing law provides that no person shall write, issue, fill, compound, or dispense a prescription for a controlled substance that does not conform to specified provisions of law Existing law sets forth the manner in which controlled substances within Schedules II, III, IV, and V, but not those within Schedule I, of the Uniform Controlled Substances Act, may be prescribed. Existing law includes within Schedule III of the Uniform Controlled Substances Act methaqualone and its salts.

This bill would delete methaqualone and its salts from Schedule III of the Uniform Controlled Substances Act and include the substances instead within Schedule I of the Uniform Controlled Substances Act. The bill would increase the penalties with respect to offenses involving methaqualone and its salts. The bill would make conforming changes.

Ch. 791 (AB 1119) Statham. Public contracts.

Existing law contains provisions in the Public Contract Code, which were previously in the Government Code, for the acquisition of electronic data-processing goods and services

This bill would make technical, nonsubstantive changes in the Government Code exempting the above Public Contract Code provisions from existing provisions of the Government Code relating generally to the Department of General Services purchases and services

This bill would make legislative declarations and findings in the Public Contract Code regarding the acquisition of telecommunications goods and services. Specifically, the bill would provide that all contracts for the acquisition of telecommunications goods and services, as specified, shall be made by, or under the supervision of, the Department of General Services and that the procurement of such systems shall be accomplished in accordance with the provisions of the Public Contract Code governing the acquisition of electronic data-processing goods and services. The Department of General Services shall have sole responsibility for the establishment of tactical policy and procedures for telecommunications and data-processing acquisitions consistent with statewide strategic policy as established by the Department of Finance and the Department of Finance shall have review and approval responsibility of data-processing information and telecommunication systems to assure consistency with budgetary objectives.

Ch. 792 (AB 1183) Stirling. Cooperative corporations.

Existing law regulates consumer cooperatives which are corporations organized and which conduct their business primarily for, the mutual benefit of their members as patrons of the corporation, under the Consumer Cooperative Corporation Law.

This bill would make numerous changes in these provisions, including revising certain definitions, specifying the circumstances under which directors or incorporators shall sign and acknowledge the articles of incorporation, revising the conditions under which a corporation may loan money or property to, or guarantee the obligation of, any director or officer, and clarifying language in various provisions

Ch 793 (AB 1262) La Follette Extradition

Existing law provides for issuance of warrants of arrest in extradition cases, and for sending of telegraphic copies of warrants

This bill would expressly authorize telegraphic warrants in extradition cases, as specified

Existing law does not authorize the holding of the subject of an extradition warrant in custody without bail

This bill would require the holding of the person in custody without bail except as specified

Existing law authorizes the warrantless arrest of specified persons accused in another state.

This bill would authorize the warrantless arrest of specified persons who escaped or

violated the terms of bail, parole or probation in another state.

Existing law provides for the commitment of a person arrested on the basis of being a fugitive from justice in another state, as specified, to jail for up to 30 days and for an extension of such a commitment for an additional 60 days if he or she is not arrested under a warrant of the Governor on the requisition of the executive authority of the state having jurisdiction of the offense, as specified.

This bill would provide that if a criminal prosecution has been instituted against such a person under the laws of this state, these restrictions on the length of commitment shall not be applicable during the period that the criminal prosecution is pending in this state.

Existing law does not expressly provide in extradition cases for the right to counsel and a hearing within 10 days for an arrested person.

This bill would so provide, and would specify other procedures for the hearing.

Existing provisions entitled the Uniform Act for Out-of-State Probationer or Parolee Supervision authorize interstate compacts relating to persons on probation or parole.

This bill would provide procedures which must be followed before a parolee or probationer may be returned to the demanding state.

The bill would make related changes.

Ch. 794 (AB 1266) Elder. Public Employees' Retirement System.

The existing Public Employees' Retirement Law does not specifically authorize the state to pay all or a portion of a state member's normal contributions.

This bill would provide such an authorization and specify that the authorization applies to the Regents of the University of California; provide that this authorization is subject to applicable collective-bargaining laws.

Ch. 795 (AB 1306) Klehs Taxation: estates and trusts.

The existing Personal Income Tax Law allows an estate or trust a deduction for amounts properly distributed for the taxable year. Existing law also provides that if the assets of specified estates are distributable to one or more nonresident beneficiaries, the fiduciary of the estates must obtain from the Franchise Tax Board a certificate of tax clearance before closing the estate and making final distributions.

This bill would deny this deduction with respect to amounts attributable and taxable to nonresident beneficiaries if the fiduciary fails to obtain the required certificate of tax clearance

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

This bill would make similar changes in law if AB 36 is chaptered.

Ch. 796 (AB 1695) McCintock. Insurance.

Existing law authorizes individual or group health benefit insurance policies to restrict payment for institutional care to those institutions that have contracted with the insurance carrier as specified.

This bill would provide that no policy, contract, or agreement coming within the provisions relating to health care service plans or to payment and proceeds of life or disability insurance issued, entered into, or renewed on and after July 1, 1984, shall be deemed to contain any provision restricting the liability of the insurer or plan with respect to expenses solely because the expenses were incurred while the insured was in a state hospital, as specified It would specifically not require an insurer or plan to pay a state hospital for covered expenses incurred at a rate higher than that which would be paid to a hospital under a contract providing for alternative rates of payment or limiting payments for services secured by insureds or covered individuals.

It also would take effect immediately, as an urgency statute.

Ch. 797 (AB 1747) Hill. Administrative regulations.

Existing law requires the Office of Administrative law to carry out various duties and functions regarding state agency administrative regulations

This bill would make substantive and technical changes by amending, renumbering, repealing, and adding various statutes pertaining to the duties of the office in, among other things, review of regulations for form and style and publication of regulations, and would similarly revise requirements pertaining to the adoption, amendment, or repeal

of regulations by state agencies, as specified.

Existing law governs the procedure by which emergency administrative regulations may be adopted. It requires, among other things, that a regulation adopted as an emergency regulation, or an emergency regulation substantially equivalent thereto, shall not be filed with the Secretary of State as an emergency regulation except with the express prior approval of the Office of Administrative Law.

This bill would make this provision applicable to a regulation originally adopted as an emergency regulation or an emergency regulation substantially equivalent thereto which is readopted as an emergency regulation.

This bill would make technical changes in provisions relating to the rulemaking file of an administrative agency.

Existing law exempts the Public Utilities Commission and the Division of Industrial Accidents from specific provisions of law relating to the enactment of administrative regulations It requires the commission and the division to comply with specific provisions requiring that notice of the proposed action be mailed to interested persons and published in the manner determined by the agency.

This bill would require that notice of the proposed action be published in the California Administrative Register, and would include the Workers Compensation Appeals Board in this requirement This bill would make other technical changes

Ch. 798 (AB 1832) Tanner. Hazardous waste: enforcement and penalties.

(1) Existing law requires the State Department of Health Services to adopt standards and regulations relating to hazardous waste and requires the department or any local health or public officer, as designated by the department, to enforce these regulations.

This bill would also permit a traffic officer or peace officer, as defined, to enforce certain provisions concerning transportation of hazardous waste without possessing a list setting forth specified information, the registration and inspection of hazardous waste haulers, and the display of certificates of inspection compliance.

(2) Existing law imposes criminal fines of up to $25,000, and imprisonment of up to one year in the county jail, for certain acts done knowingly by any person, including, among other things the destruction, alteration, or concealment of, or making a false representation in, 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 waste, or the withholding of certain requested information. Existing law also increases the penalties for the second and third convictions of committing these prohibited acts.

This bill would include as a prohibited act, within this provision, the unlawful transporting of hazardous waste in an uninspected vehicle by an unregistered hazardous waste hauler. The bill would specify that the penalties imposed on any person who commits any of these prohibited act are to be imposed only on the owner of the vehicle in which the hazardous wastes are so transported, handled, or carried, or on the person who authorized those actions, and that the penalties are not to be imposed on the driver of the vehicle, unless the driver is also the owner of the vehicle or also authorized those actions

The bill would impose a criminal fine of up to $500, or imprisonment of up to 6 months in the county jail, or both upon any person knowingly transporting hazardous waste in vehicles or containers which do not carry a specified inspection certificate, carrying or handling hazardous waste without having in the driver's possession a specified document listing the waste, or authorizing these acts. The bill would authorize a court, upon the request of a person prosecuted for these acts, to make, as codefendants, the owner or lessee of the vehicle which transported the hazardous waste, the driver of the vehicle, or the person who directed or authorized the loading, maintenance, or operation of the vehicle, and would authorize the court to dismiss the charges against the person so initially charged.

(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 impose a state-mandated local program by creating new crimes con-

cerning the transportation of hazardous waste.

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

Ch. 799 (AB 1855) Filante. Long-term health care facilities.

(1) Existing statutory law does not require a long-term health care facility to give notice to patients prior to a transfer of license resulting in the inability of a facility to care for its patients.

This bill would impose a state-mandated local program by requiring these facilities, including public facilities, to give 30 days' written notice to the affected patients or their guardians prior to any change in the status of the license or in the operation of the facility resulting in the inability of a facility to care for its patients.

This bill would also provide for an extension of up to 60 additional days if placement problems cannot be satisfactorily resolved. The facility would be required to provide staff to assist in obtaining alternative placement and would require the facility to respond to specified inquiries and to given notice of the change in the status of the license or operation of the facility to the State Long-Term Care Ombudsman, thus imposing a state-mandated local program on public facilities

Certain of the above provisions would not apply to actions initiated by the State Department of Health Services to suspend or revoke the license.

(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 800 (AB 1931) Vasconcellos. School districts deferred maintenance funds

Existing law authorizes the governing board of each school district to establish a district deferred maintenance fund for certain specified purposes.

Existing law requires the State Allocation Board to apportion, from the State School Deferred Maintenance Fund, amounts of money according to a specified formula to a school district which has budgeted in its deferred maintenance fund an amount at least equal to the amount the district expended from its general fund for major maintenance, repair, or modernization of existing school buildings.

Existing law also allows the governing boards of a school district to sell or lease property belonging to the school district and to deposit these funds in the district's general fund if the governing board and the State Allocation Board determine that the district has no anticipated need for additional sites or building construction for the next 5 years

This bill would require that school districts which meet certain specified criteria be eligible to receive an apportionment from the State School Deferred Maintenance Fund, notwithstanding any limitations imposed by the State Allocation Board as a result of determining that the district has no anticipated need for additional sites or building construction pursuant to a specified statutory provision.

This bill would take effect immediately as an urgency statute.

Ch. 801 (AB 1952) Elder State civil service employees: disciplinary action

Existing law provides a procedure for the demotion of managerial employees in civil service who are not in the career executive assignment category.

This bill would revise the above existing law and provide for other types of disciplinary action of the managerial employees, including dismissal

Ch. 802 (AB 1966) Calderon. Business and industrial development corporations.

The Constitution of California contains provisions regulating the rate of interest upon the loan or forbearance of any money, goods, or things in action, or on account after demand. Various enumerated financial entities are specifically exempted from the constitutional provision

This bill would additionally exempt, retroactively, from those constitutional usury provisions business and industrial development corporations. It would also specifically exempt business and industrial development corporations from statutory provisions regulating personal property brokers, consumer finance lenders, and commercial finance lenders

This bill would incorporate additional changes in Section 22050 of the Financial Code, proposed by AB 1019, to be operative only if AB 1019 and this bill are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last.

The bill would also take effect immediately as an urgency statute.

Ch. 803 (AB 2187) Papan Salaries: public officers.

(1) Existing law provides for the annual salary of each Member of the Legislature, the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Superintendent of Public Instruction, the Attorney General, the Chairman of the State Board of Equalization, members of the State Board of Equalization, and other state officers.

This bill would revise the annual salary of these officers, as specified

(2) Certain provisions of the bill would not become operative until January 5, 1987.

(3) Existing law provides an expense allowance of not more than $5,000 per year each to the Lieutenant Governor, Attorney General, Controller, Secretary of State, Superintendent of Public Instruction, and the Treasurer, in addition to salary and traveling expenses.

This bill would provide instead for an expense allowance of not more than $10,000 per year to each of the above persons

(4) Under existing law, a Budget Bill is enacted each year to provide for the support of state government

This bill would appropriate $15,000 from the General Fund to, and in augmentation of, Item 0500-001-001 of the Budget Act of 1983 for the Special Contingent Expenses of the Governor and the Governor's office.

(5) This bill would make an appropriation due to subdivision (a) of Section 4 of Article III of the California Constitution, which provides that laws that set salaries of elected state officers are appropriations

(6) Existing law provides salaries for the members of the Alcoholic Beverage Control Appeals Board

This bill would eliminate the salaries of these officers and, instead, provide for a per diem and travel expense, as specified.

(7) Existing law provides that the board of directors of the Prison Industry Authority shall have the power to appoint a general manager to serve as the chief administrative officer of the authority.

This bill would provide, instead, that the board shall have the power to contract to employ an executive director to serve as the chief administrative officer of the authority. In addition, the bill would provide that any provision in the annual Budget Act providing for the compensation of a general manager shall be deemed to be available for the purpose of paying the executive director

(8) This bill would incorporate additional changes in Section 66740 of the Government Code as amended by SB 128 to be operative only if this bill is chaptered after SB 128, as specified

Ch 804 (SB 205) Davis. Child abuse and neglect.

Existing law provides that in lieu of prosecuting a person, suspected of violating laws in which a minor is a victim of an act of abuse or neglect, who is referred by the local police or sheriff's department, the prosecuting attorney may refer that person to the county department in charge of public social services for counseling and other services, after seeking the advice of the county department in charge of public social services in determining whether or not to make the referral

This bill would repeal and reenact these provisions and would provide additional procedures for the conduct of the program

Ch. 805 (SB 388) Beverly. Transportation: federal funds: demonstration projects.

Under existing law, all money in the State Highway Account in the State Transportation Fund expended for construction of state highways is required, with specified exceptions, to be allocated and expended 40% in County Group No. 1 and 60% in County Group No. 2, with 70% of the money to be expended in each county group in accordance with specified requirements.

This bill would exempt the Los Angeles demonstration project, and the Prairie Creek Redwood State Park demonstration project, or other projects as described in federal law in lieu of this project, financed with federal funds from the expenditure and allocation requirements. The Department of Transportation would be responsible for the Los Angeles demonstration project and would be required to undertake the Prairie Creek Redwood State Park demonstration project or other projects as described in federal law in lieu of this project.

The bill would take effect immediately as an urgency statute

Ch. 806 (SB 642) Russell. Unearned premiums

Under existing law, whenever an insurer endorses, rejects, declines, cancels, or surrenders certain policies of insurance, or cancels certain other policies of insurance, the unearned premium is required to be tendered to the insured or person entitled thereto, or the insurer's agent for transmittal, as specified.

This bill would provide that tender of unearned premium, where the unearned premium is not assigned as security to a premium finance agency pursuant to a premium finance agreement and where the amount of unearned premium is less than $25, includes applying it to the renewal premium or other premiums due, provided written notice is given unless the insured requests otherwise, as specified.

Ch 807 (SB 797) Craven Property taxation mobilehomes.

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. The law defines "full cash value" for purposes of assessing a mobilehome.

This bill would make findings and declarations that "full cash value" does not include any value attributable to the particular site where the mobilehome is located on rented or leased land, as specified. It would further provide that the assessor, in determining the "full cash value" of a mobilehome on rented or leased land, must take into consideration, among other relevant factors, recognized value guides for mobilehomes, 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 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 808 (SB 887) Petris. Retirement allowances under PERS elected local office incumbency.

The existing Public Employees' Retirement Law presently. (1) generally prohibits employment of a retired person by the state, a school employer, or a contracting agency unless the person is reinstated, with specified exceptions; and (2) suspends the retirement allowance of a retired person during the period of his or her incumbency in an elected office if the allowance is based on service in that office, as specified.

This bill would change item (2) above, to, instead, reduce the retirement allowance during the period of incumbency and to reduce it only by the portion that is based on service in that office

Ch. 809 (SB 971) McCorquodale. California Marketing Act of 1937.

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. With specified exceptions, plans to promote the sale of a commodity may not make reference to any private brand or trade name used by a handler of the commodity.

This bill would permit a processed fruits, nuts, or vegetables marketing order sales promotion plan to contain provisions to allocate funds to promote private brands or trade names.

Ch. 810 (SB 977) Vuich Contractors: state projects.

Existing law provides that in all state projects where federal funds are involved, no bid submitted or contract thereafter awarded shall be invalidated by the failure of the bidder or contractor to be properly licensed in accordance with the laws of this state, nor shall the contractor be denied payment under the contract because of that failure, provided that the first payment to a contractor for work or material under a contract shall not be made by the Controller unless and until the Registrar of Contractors certifies to him or her that the records of the Contractors State License Board indicates that the contractor was or became properly licensed between the time of bid opening and the making of the certification.

This bill would revise the above provision to provide that the contractor shall be properly licensed at the time the contract is awarded.

The bill would provide further that the failure of a bidder to be properly licensed for an award of a contract shall constitute a failure to execute the contract and shall result in the forfeiture of the bidder's security, as specified.

Ch. 811 (AB 9) Leonard. Mentally incompetent persons. elections.

Under the statutes the county clerk must cancel the registration of persons who have a conservator appointed under the Probate Code. Registration is also canceled if a conservator is appointed under the Welfare and Institutions Code and a court or a unanimous jury find the conservatee unable to complete an affidavit of voter registration.

This bill would provide that a person is disqualified from voting and registering to vote upon a court order confining a person to a treatment facility as the result of the person being found not guilty by reason of insanity, the person's felony trial or judgment being suspended because the person is found incompetent to stand trial, the person has been designated a mentally disordered sex offender, or the person has been convicted of a felony and is undergoing treatment at a state hospital.

This bill also provides for the notification, by court order, to the county clerk in the person's county of residence for the purpose of disqualifying the person from voting and also when restoring the person's right to register to vote

This bill would amend Section 701 of the Elections Code to incorporate the changes in that section proposed by AB 1373, if both this bill and AB 1373 are chaptered and this bill is chaptered last

Ch 812 (AB 315) Moorhead Elections· vacancies absent voters: ballot arguments.

Under existing law, if a vacancy occurs on a school governing board within four months of the next regularly scheduled governing board election, a special election to fill the vacancy shall be consolidated with the general election.

This bill would provide for a consolidated election if the vacancy occurs due to a resignation specifying a deferred effective date within specified time limits.

Under existing law, if more than one argument for or against any county measure is submitted to the county clerk or the person conducting the election for distribution to the voters, the county clerk shall give preference in selecting one argument in accordance with a specified prioritization, which includes individual voters.

This bill would require that the individual voters be eligible to vote on the measure and would delete the requirement, in the case of selecting an argument for or against a school measure, that the person conducting the election appoint a committee if more than one argument is filed within the category having the highest preference and priority.

Existing law permits any individual voter to file a written argument for or against any

local measure.

This bill would require that the voter be eligible to vote on the measure.

This bill would also make various changes with respect to notification, ballot stubs, and election timing, as specified.

Ch. 813 (AB 515) Vicencia. Precincts clerk duties.

Existing law requires each county clerk to establish precincts and it authorizes each county clerk to change or alter the boundaries of any election precinct.

This bill would impose a state-mandated local program by requiring a county clerk, or if a municipal election is conducted by the city, the city clerk to provide, at the request of any person, certain information regarding precinct boundary changes and alterations. It would allow the clerk to charge persons requesting the information the actual expenses incurred by the clerk in providing copies.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 814 (AB 908) Vicencia. Loans.

Under the existing Personal Property Brokers Law and Consumer Finance Lenders Law, a licensee is prohibited from transacting the business licensed or from making a loan under any other name or at any other place of business than that named in the license

This bill would authorize the use of a name different from or the transaction of business at a place other than that named in the license of the licensee, upon a written order of the Commissioner of Corporations authorizing such action. The order of the commissioner, while effective, would be deemed to amend the original license issued. The bill would require the licensee to post the order approving a different name in the place of business named in the license.

Under the existing Personal Property Brokers Law, the Consumer Finance Lenders Law, and the Commercial Finance Lenders Law, a licensee is required to give the Commissioner of Corporations written notice of a change in its place of business to a street address other than that designated in its license.

This bill would provide that such written notice shall be on a form provided by the Commissioner of Corporations.

Under the existing Personal Property Brokers Law and the Consumer Finance Lenders Law, a licensed personal property broker or consumer finance lender may act as a broker, as specified, without obtaining an additional license as a broker, provided the licensee has obtained authority in writing from the Commissioner of Corporations.

This bill would permit these licensees to so act solely by notifying the commissioner in writing of their action.

Under existing law, consumer finance lenders and commercial finance lenders constitute classes of lenders which are exempt from the limitation on interest rates contained in provisions of the California Constitution relating to usury. Existing law prohibits any person from engaging in the business of a consumer finance lender or broker and from making or negotiating loans which provide for charges in excess of 10% per annum, without obtaining a license from the Commissioner of Corporations. Existing law also prohibits any person from engaging in the business of a commercial finance lender and making commercial loans which provide for charges in excess of the rate limitations contained in the usury provisions of the California Constitution, without obtaining a license from the Commissioner of Corporations

This bill would revise these provisions to delete the specific references to loan charges, thus providing that no person shall engage in the business of a consumer finance lender or a commercial finance lender without obtaining a license from the commissioner.

Ch. 815 (AB 978) Baker. Flood control districts

(1) Under existing law, any zone established by the Board of Supervisors of the Alameda County Flood Control and Water Conservation District lying wholly or in part in Pleasanton or Murray Townships is required to be governed and controlled by a board of 7 directors elected by the voters of the zone in accordance with prescribed procedures and requirements.

This bill would provide for the election of those directors in the manner provided by the Uniform District Election Law and would make related changes.

The bill would also increase the maximum compensation which a director may receive from $25 per meeting, not exceeding 2 meetings in any calendar month, to $50 per meeting, not exceeding 4 meetings in any calendar month.

(2) Under existing law, the Orange County Flood Control District is authorized to utilize the Improvement Act of 1911, the Street Opening Act of 1903, and the Improvement Bond Act of 1915.

This bill would also authorize the district to utilize the Municipal Improvement Act of 1913.

Ch. 816 (AB 1085) Katz. Motor vehicles. removal from highway.

(1) 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 such removal when a peace officer has reasonable cause to believe that the driver has been driving without a license, or with a suspended or revoked license, and there is no passenger in the vehicle authorized and licensed to drive the vehicle. Any vehicle so removed from the highway could not be released except to the owner or the owner's representative upon presentation of a valid driver's license of the owner or the representative or upon a court order.

(2) Existing law authorizes the removal of an unattended vehicle on the highway, if the registration expiration date on the vehicle is more than one year old.

This bill would permit the storing agency to release the vehicle only upon proof of current registration or, in its discretion, upon issuance of a notice to appear for the registration violation.

(3) This bill would make the changes in Section 22651 of the Vehicle Code proposed by both this bill and SB 589, if both bills are enacted and become effective January 1, 1984, and this bill is enacted last.

Ch. 817 (AB 1097) Areias. Highway carriers: farmers.

Under existing law, the operators of highway permit carriers is under the jurisdiction of the Public Utilities Commission pursuant to the Highway Carriers' Act. Excluded from regulation is any farmer who transports from the farm to a warehouse, market, place of storage, or place of shipment the farm products of neighboring farmers for compensation or in exchange for similar services amounting to not over $600 per year.

This bill would raise that amount to not over $5,000 per year.

Ch. 818 (AB 1146) Campbell. Civil procedure.

Existing law provides 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.

Existing law further provides that where the application is made in that manner an answer or response shall be made 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.

This bill would provide that these provisions apply to applications for a writ of mandate in a trial court.

Existing law provides that judicial review of any decision of a local agency, as defined, may be had, under certain circumstances, pursuant to specified administrative mandamus procedures and in accordance with certain time constraints. A "decision" is defined as an adjudicatory administrative decision made, as specified.

This bill would redefine a "decision" to mean a decision subject to review, as specified.

Existing law conditions the applicability of the administrative mandamus procedures for review of a decision of a local agency upon the adoption by the governing board of a local agency of an ordinance or resolution making those procedures applicable; and provides that those procedures prevail over any conflicting provision in any other law

relating to the subject matter.

This bill would provide that if the conflicting provision is a state or federal law which provides a shorter statute of limitations, the shorter statute of limitations shall apply.

Ch. 819 (AB 1305) Johnston. Medi-Cal hospital services

Existing law provides for the Medi-Cal program which provides, among other services, hospital services to qualified low income persons.

The bill would provide that reimbursement shall not be denied to any hospital, for care rendered to an eligible Medi-Cal beneficiary for the sole reason that a proof of eligibility label does not accompany the bill, if the claim includes other appropriate documentation of eligibility.

The bill would further provide that the State Director of Health Services shall require county welfare departments to issue, upon the request of a hospital providing care to an eligible Medi-Cal beneficiary, replacement Medi-Cal proof of eligibility labels or other appropriate documentation of eligibility to the hospital, if specified conditions are met.

The bill would require, however, that a replacement proof of eligibility label or other appropriate documentation of eligibility as required by the State Director of Health Services accompany the bill of the hospital.

Ch. 820 (AB 1373) Klehs. Voter registration: cancellation.

(1) Existing law provides for the notification of voters regarding their voter registration status following the receipt of an affidavit of registration by a county clerk.

This bill would revise that procedure. It would impose a state-mandated local program on counties by requiring all counties to use a prescribed voter notification form when informing voters of their voter registration status

(2) Existing law specifies instances in which a county clerk must cancel a voter's affidavit of registration, including upon the request of the voter and upon receiving notification of the death of a voter.

This bill would specify that a voter's affidavit of registration shall also be canceled upon receipt of any mailing returned by the postal service as undeliverable and upon official notification that the voter is registered to vote in another county or state. It would additionally, impose a state-mandated local program on counties by requiring a blank affidavit of registration to be mailed to the address from which certain cancellations are effected.

It would also specify that the affidavit of registration be canceled, when requested by the voter, only if the request is in writing or is made in person.

Moreover, it would require the Secretary of State to adopt regulations to facilitate the availability of death statistics from the State Department of Health Services for purposes of the cancellation of certain affidavits, and would require the secretary, upon the request of a county clerk, to compile a list of duplicate voter registrations.

(3) Existing law requires each county clerk, following the cancellation of affidavits of registration, to prepare prescribed lists based on the number of voters, by party affiliation, in, among other areas, legislative and congressional districts.

This bill would impose a state-mandated local program by requiring that list to include voters by board of equalization district as well as legislative and congressional districts.

(4) Existing law requires the county clerk to compile an index, list, or file of all persons who voted in the previous statewide general election.

This bill would specify that the above-described information be compiled by precinct.

(5) (a) 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 the voter no longer resides in the county or has moved and left no forwarding address.

(b) Existing law also authorizes county clerks to utilize a different procedure, rather than the above, for purposes of canceling persons' affidavits of registration. Generally, under this 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 the mail-

ings This 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 these persons.

(c) A third provision of existing law requires the County Clerk of the County of Alameda, on a pilot project basis, to utilize a third cancellation procedure. Specifically, if a voter fails to vote at the previous general election, the county clerk shall 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, the clerk makes appropriate affidavit changes or cancels the voters' affidavits of registration.

This bill would delete all 3 of the above-mentioned procedures and it would require all county clerks to implement a revised cancellation procedure. Specifically, it would require a residency confirmation mailing to all voters prior to the direct primary election However, it would allow counties to adopt an alternative procedure to the residency confirmation procedure.

This bill would amend Section 701 of the Elections Code to incorporate the changes in that section proposed by AB 9, if both this bill and AB 9 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. 821 (AB 1459) Klehs. Elections: districts or agencies.

The Uniform District Election Law provides that district and agency elections are to be conducted by the county clerk pursuant to that act if their principal acts so provide.

This bill would require that resident voting districts and agency elections be conducted by the county clerk pursuant to that law and that landowner voting district elections may be conducted by the county clerk pursuant to that law at his or her discretion.

This bill would also clarify, in the definition sections of the Uniform District Election Law, the application of that act to certain local agencies.

The Uniform District Election Law also provides that, if nomination papers for an incumbent elective office of a district are not filed by 5 p.m. on the 88th day before the general district election, any person other than the incumbent shall have an additional 5 days to file nomination papers for the elective office. These provisions apply only to districts or agencies whose principal acts so provide.

This bill would extend this provision to all district and agency elections and would provide that this provision does not apply when there is no incumbent.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by increasing the duties of the county clerks.

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. 822 (AB 1470) Allen. Medi-Cal: prepaid health plans. disenrollment.

Under existing law, the enrollment of a Medi-Cal beneficiary in a prepaid health plan may be terminated at his or her request, subject to approval of the State Department of Health Services, as specified.

This bill would eliminate the requirement that the department's approval be obtained as a condition of disenrollment.

Existing law provides for the issuing of a Medi-Cal card to an eligible beneficiary not later than the first of the month following the month in which disenrollment from a prepaid health plan was approved.

This bill would provide instead that a Medi-Cal card would be issued not later than the beginning of the first month following one full month after the request for disenrollment is made.

Ch. 823 (AB 1488) Lancaster Development projects approval or disapproval: time limitations.

(1) Existing law generally requires any public agency that has the principal responsibility for approving a development project to approve or disapprove the project within one year from the date on which an application requesting approval has been received and accepted as complete. Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would require a development project for which a negative declaration is prepared or which is exempt from the act to be approved or disapproved within 6 months, rather than one year, from that date, unless the project proponent requests an extension of the time limit. By reducing the time in which the approval or disapproval of a project is required to be made, the bill would impose a state-mandated local program. The bill would make a statement of legislative intent that its provisions apply to projects for which applications have been accepted as being complete by public agencies on or after January 1, 1984.

(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, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1990, the provisions contained in the bill for which state reimbursement is required

Ch. 824 (AB 1510) Elder. Coastal zone: boating facilities.

The California Coastal Act of 1976 established the California Coastal Commission, with prescribed membership, powers, and duties, to administer its provisions, which provide for planning and regulation of development, under a coastal development permit process, within the coastal zone, as defined. The act provides for various designated state agencies to carry out their specific functions as to any development within the coastal zone

This bill would designate the Department of Boating and Waterways as the principal state agency for evaluating the economic feasibility of any boating facility to be developed within the coastal zone. If the economic viability of the boating facility becomes an issue in a coastal development permit matter or a local coastal program, the bill would require the commission to request the department to provide comment, including the analysis of cost associated with conditions of approval The bill would require the commission to include the comment in its designated decisions.

Ch. 825 (AB 1591) Costa. Vehicle registration.

(1) Existing law authorizes the Department of Motor Vehicles to issue a one-trip permit to bring unladen vehicles, other than a crane, into the state upon payment of a $10 fee.

This bill would require the department, upon payment of a $25 fee, to issue a 5-day, one-trip permit that would authorize bringing a laden, unregistered new trailer or semitrailer from an out-of-state place of manufacture to a place within the state where it will be offered for sale.

(2) Nothing in existing law specifies a time by which the department is required to complete the processing of an application for initial registration or transfer of registration of a commercial vehicle.

Commencing July 1, 1984, this bill would authorize the department, at its headquarters office in Sacramento only, to charge a service fee of $15, in addition to other fees, for the completion of an initial registration or transfer of registration of a commercial vehicle within 72 hours after receipt of a complete and proper registration application.

Ch. 826 (AB 1767) Wyman. Public records. local agencies

(1) Existing law provides for the adoption of regulations and guidelines for access to public records. Public records are required to be open to inspection at all times during office hours of a state or local agency and every citizen has a right to inspect any public record, except as specified.

This bill would provide that guidelines and regulations adopted by specified agencies shall not operate to limit the hours public records are open for inspection, as specified, and would make other 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.

This bill would impose a state-mandated local program by requiring that local agency guidelines and regulations shall not limit the hours public records are open for inspection, as specified.

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. 827 (AB 1823) Lancaster. Development projects.

Under existing law, the Office of Planning and Research is required to ensure that all state agencies comply with the applicable requirements relating to the approval of development projects.

This bill would require the Office of Planning and Research to develop a consolidated project information form to be used by applicants for development projects, and providing for sufficient information to permit a determination by state agencies as to whether or not a development project will require a permit from the agency.

The bill would also require the Office of Planning and Research to notify applicants for development projects of any permits required for those projects within 15 days of receipt of the completed form from the applicable state agencies and send the applicant the appropriate permit application forms so received.

The bill would also authorize the Office of Planning and Research to charge fees for these services to the applicants for development projects, as specified.

Ch. 828 (SB 165) Davis Property tax revenues.

Under existing law, provision is made for allocating property tax revenues of a county among the various local jurisdictions within the county, and provision is made for changing the allocation when new jurisdictions are formed or the boundaries of existing jurisdictions are altered.

This bill would additionally require adjusting allocations in cases of jurisdictional

changes by an annual tax increment, as defined. This new requirement would constitute a state-mandated local program.

Ch. 829 (SB 470) Deddeh. Public Employees' Medical and Hospital Care Act: health benefits.

The Public Employees' Medical and Hospital Care Act presently: (1) does not authorize reenrollment by a person who separates from employment, enters a rehabilitation program, and then retires more than 120 days thereafter for disability; (2) provides that certain surviving spouses under the Public Employees' Retirement System lose their eligibility for coverage when there are no longer eligible minor children under their care.

This bill would (a) change item (1) above to authorize reenrollment of a person who, at the time of separation from employment because of disability, was enrolled and who enters a specified rehabilitation program and retires for disability within 120 days of the termination of the rehabilitation program; (b) change item (2) above to authorize reenrollment for the surviving spouse who becomes eligible for a specified 1959 survivor allowance at age 62 and was enrolled at the time of the death of the member, as specified.

Ch. 830 (AB 160) McAlister. Health Insurance.

Existing law provides that any person or other entity, except a health care service plan, which provides 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. Existing law contains related provisions requiring the department to prepare a list of persons or entities providing health coverage subject to the department's jurisdiction, and requiring production agencies and administrators to make specified disclosures concerning health insurance or coverage under certain circumstances.

This bill would, until January 1, 1985, with respect to multiple employer trusts which qualify as health care service plans, require the Department of Insurance to notify the Commissioner of Corporations of that fact. It would also require the department and the commissioner, until January 1, 1985, to report, as specified, to certain committees of the Legislature.

The bill would also make related changes relative to notification which would be repealed January 1, 1985.

The bill would take effect immediately as an urgency statute

Ch. 831 (AB 196) Cortese. Restaurants: health and sanitation requirements.

(1) Under existing law, local health departments are the enforcing entities for certain health and sanitation requirements for restaurants, as defined, subject to the California Restaurant Act. Existing law provides that any city, county, or city and county may adopt stricter health and sanitation requirements than are contained in that act.

Existing law provides that before a city, county, or city and county requires the area where food is processed or dispensed to be enclosed pursuant to that act, the local health department shall make a finding, after a public hearing, that such an enclosure is necessary for the public health and sanitation. Existing law requires the legislative body of the local entity and the State Director of Health Services to ratify that finding.

This bill would exempt open-air barbecue facilities, as defined, which meet prescribed requirements from the provisions of the California Restaurant Act, except as otherwise specified. The bill would prohibit the State Department of Health Services, any city, county, city and county, air pollution control district, or air quality management district from requiring the enclosure of an open-air barbecue facility if the enforcement officer determines that the barbecue facility is in compliance with specified requirements.

The bill would make open-air barbecue facilities subject to specified provisions relating to inspection of the facility by enforcement officers. The bill would also make the operator of any facility which initially meets the requirements imposed by the bill but which is subsequently found to be in violation of those provisions subject to a specified fine or imprisonment in the county jail for a specified term, or both, and, by doing so would impose a state-mandated program.

(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. 832 (AB 231) Young. Fiscal affairs. block grants. aged persons.

Existing law makes legislative findings and establishes procedural provisions concerning the administration of federal block grant funds.

This bill would require that any advisory entity established by a city, county, or special district relative to federal block grant funds include in its membership a number of older persons that is proportionately representative of the population of older persons in the community. These persons would be drawn, where possible, from existing local aging commissions or agencies.

Existing law also establishes a block grant advisory task force at the state level, which must include in its membership one person who is over the age of 55.

This bill would revise this membership requirement to provide that, of the 5 persons each appointed to the task force by the Senate Committee on Rules and the Speaker of the Assembly, 2 must be older persons who may, but are not required to, be members of either the California Commission on Aging or the California Senior Legislature.

Ch. 833 (AB 269) M. Waters. California State Contracts Register.

Existing law requires the publication of information concerning bids and the work to be done for state projects, as defined, in newspapers and trade papers of general circulation, as specified

This bill would make certain legislative findings and declarations and would require, among other things, the publication and distribution of the "California State Contracts Register" which shall contain information, as described, concerning state projects for the purpose of giving business firms adequate notice and the opportunity to participate in certain state projects. In addition the bill would state that these provisions shall remain in effect until December 31, 1985, and as of that date are repealed unless the Director of General Services determines that as of December 1, 1985, the programs which the provisions establish are self-supporting and notifies the Joint Legislative Budget Committee of that determination.

Ch. 834 (AB 293) Floyd. County jails.

Under existing law, the county board of supervisors may authorize the sheriff or other appropriate official to require prisoners in a county jail who are determined to be fit subjects to perform 10 hours of labor on public work projects in lieu of one day of confinement under rules and regulations as the board may prescribe.

This bill would require that as a condition of participation in a work release program the person would be required to sign a promise to appear for work. Any person who willfully violates the written promise to appear would be guilty of a misdemeanor. The bill would also require that a copy of the notice be delivered to each participant in a work release 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 impose a state-mandated local program by imposing a new misdemeanor offense requiring local law enforcement and prosecution, and possible confinement of offenders and by requiring the delivery of a copy of the notice to each participant.

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

Ch. 835 (AB 580) Kelley Wildlife management: private landholdings

Existing law authorizes until January 1, 1984, the Fish and Game Commission to permit the Department of Fish and Game to license the operation of wildlife management areas in specified counties on private landholdings. The commission is also authorized to authorize the department to issue permits to the licensee for the taking of any bird or mammal in the area, as specified.

This bill would authorize the commission [and the department]*, beginning on January 1, 1984, [to develop a private wildlife management area program and would authorize the commission]* to permit the department to issue revocable and nontransferable licenses for [the operation of]* wildlife management areas on private lands ~~under regulations adopted by~~ [. The bill would require]* the commission ~~pursuant to~~*, [upon approval of]* a wildlife management plan ~~submitted by the applicant~~ [, to issue a license valid for 3 calendar years authorizing the taking of fish and game designated in the plan pursuant to the plan and commission regulations]*. The bill would provide for fees for the licenses, annual reports and review, and other related matters.

The bill would require annual reports on the program to the Legislature, as specified.

Ch. 836 (AB 1195) Johnston. Hospital districts.

Existing law enumerates the various powers of a hospital district, including the power to do any and all things an individual might do which is necessary for and to the advantage of a hospital and also to transfer, without consideration for operation and maintenance, any part, but not the whole, of its assets to one or more nonprofit corporations whose directors are residents of the district.

This bill would, instead, give the district the power to so transfer any part of its assets to one or more nonprofit corporations which have directors who are appointed by the board of directors of the hospital district and who are all residents of the district.

The bill would further expressly permit a hospital district which only maintains hospitals with less than 200 beds to guarantee a physician and surgeon a minimum income for a period of no more than 18 months from the opening of the physician's practice, guarantee certain purchases of equipment up to a specified maximum amount, and provide reduced rental rates of certain office space in order to obtain a licensed physician and surgeon, as specified, and would require repayment no later than 5 years after the final date any payments for the above guarantees are made.

The bill would make void any provision of a contract under these provisions which requires a physician and surgeon to only send his or her patients or a quota of his or her patients to a specified hospital, and would provide that if a physician and surgeon defaults in its repayments, the hospital district or nonprofit corporation shall be entitled to attorney's fees expended to collect the obligation and to all other rights and remedies of a general creditor.

Ch. 837 (AB 1780) Hauser. Geothermal revenues: grants

Under existing law, the Geothermal Resources Development Account is created in the General Fund and specified revenues are required to be deposited in the account and are continously appropriated for specified purposes.

The State Energy Resources Conservation and Development Commission is authorized annually to expend 30% of the revenues deposited in the account during the preceding fiscal year to provide grants to local jurisdictions to carry out specified geothermal resources development activities.

This bill would include a unit of Indian government as a local jurisdiction eligible to receive a grant. The bill would permit the expenditure of revenues for grants during the fiscal year the revenues are received, thereby making an appropriation, but would require any ungranted revenues in the account commencing with the 1984–85 fiscal year to be made a part of the Governor's Budget.

The bill would also permit the commission to expend up to 5% or $100,000, whichever is lesser, of these funds for direct technical assistance to local jurisdictions eligible for grants under these provisions.

Ch. 838 (AB 2105) W. Brown Small Business Procurement and Contract Act

Existing law establishes the Small Business Procurement and Contract Act and provides generally for the increased participation of small businesses in state procurement and contract awards by giving special consideration, preferences, and assistance to small businesses.

This bill would amend the above existing law by making, among other things, technical, nonsubstantive changes, by revising the legislative intent language, and by revising the definition of "small business."

Existing law establishes within the Department of General Services the Small Business Office, with specified duties

This bill, under the provisions of the Small Business Procurement and Contract Act, would require the directors of General Services and of other agencies, which contract for the construction of state facilities, to establish goals pursuant to the above-mentioned act which are consistent with those established by the Small Business Office

In addition, the bill would revise the existing duties of the Small Business Office, as specified, and would rename the office as the Office of Small and Minority Business

Existing law provides that the Department of General Services shall submit an annual report to the Legislature no later than January 1 of each year, which shall contain, among other things, an up-to-date list of eligible small business bidders by general procurement and construction contract categories, noting company names and addresses.

This bill would require the above-mentioned information to be included in the report to the Legislature only upon request

Existing law provides that the Department of General Services shall submit to the Legislature an evaluation of the Small Business Procurement and Contract Act, as specified, no later than January 1, 1976.

This bill would repeal the above-mentioned provision

Ch. 839 (SB 1039) Keene. Superintendent of Public Instruction in-lieu taxes

Under existing law, apportionments to a school district are reduced by 50% of funds reported by the county superintendent of schools as received by the district in a fiscal year on account of certain in-lieu taxes or income from bonuses or royalties.

This bill would authorize the Superintendent of Public Instruction to negotiate a settlement with any local educational agency regarding prior year adjustments of these funds, if the funds were federal funds received in the 1979–80, 1980–81, or 1981–82 fiscal year as in-lieu taxes due to the expansion of the Redwood National Park.

Ch 840 (AB 1576) Young Secondhand property dealers.

Existing law provides for various reporting requirements for secondhand dealers who acquire tangible personal property, as defined

This bill would specify that for the purposes of these provisions, tangible personal property does not include coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metals.

Existing law relating to secondhand dealers provides that state law does not prohibit the enactment, amendment, or enforcement of any municipal ordinance relating to secondhand dealers which is not inconsistent with state law In addition, existing law specifies that nothing in the state law regulating secondhand dealers shall be deemed to excuse compliance with the provisions of any municipal ordinance or any other state law covering the reporting, holding, or releasing of tangible personal property, not inconsistent with state regulation of these persons.

This bill would prohibit a city, county, or city and county, or any other state agency from adopting holding or reporting requirements for transactions involving coins, monetized bullion, or commercial grade ingots of gold, silver, or other precious metals

Ch 841 (SB 243) Keene Evidence alcohol tests

(1) Existing law requires that any person lawfully arrested for driving under the influence of alcohol, or the combined influence of alcohol and a drug, submit to chemical testing of his or her blood, breath, or urine for the purpose of determining the alcoholic content of the blood. Court decisions have held that it is an unconstitutional denial of due process of law to fail to preserve a breath sample for retesting where the test used necessitates the permanent encapsulation of the breath sample A recent court of appeal decision held that the prosecution has an obligation to preserve a breath sample for retesting even if the test used does not necessitate the retention of a breath sample Under these court decisions, the failure to preserve a breath sample for retesting is grounds for excluding the results of the original test

This bill would require the arresting officer to advise a person that, if the person

chooses a breath test that the equipment does not retain any sample of the breath and that no breath specimen will be available which could be analyzed later by the person or any other person. The bill would require the person to be advised that the person will be given an opportunity to provide a blood or urine sample that will be retained at no cost for subsequent analysis. The bill would require that the person completing a breath test be given an opportunity to provide a proper blood or urine sample that will be retained at no cost to the person for subsequent analysis, as specified. Because the bill would require local agencies administering breath tests to also retain blood or urine samples for the purpose of subsequent analysis, it would impose a state-mandated local program.

(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 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. 842 (AB 25) McAlister. Probate law and procedure.

Existing law contains an extensive and comprehensive scheme relative to probate law and procedure, including specific provisions on wills, intestate succession, family protection, and other related topics.

This bill would repeal those specific provisions and would enact a new comprehensive statute governing those topics. This bill would continue many of the existing provisions and features of existing law, but would also enact numerous substantive changes.

The provisions of existing law affected by this bill include provisions affecting the following areas:

(1) Election to take quasi-community property against the will. Under existing law, whenever a decedent has made provision in a will for the surviving spouse and the spouse also has a statutory right to take quasi-community property against the will, the surviving spouse is required to elect one or the other unless it appears by the will that the decedent intended the surviving spouse to take both under the will and against it.

This bill would provide that the surviving spouse is not forced to make an election, unless the decedent's will so requires. The rule for quasi-community property would be the same as the rule for community property.

(2) Waiver of rights by surviving spouse. Under existing law, waivers of valuable statutory property rights, which commonly occur in antenuptial agreements, integrated estate plans, or marital termination agreements, are strictly construed by the courts.

This bill would set forth the standards for an enforceable waiver by one spouse of rights in the estate of the other spouse should that spouse die before the spouse making the waiver, which standards are generally consistent with existing case law.

(3) Pay-on-death clauses. Existing statutory law does not generally validate all types of pay-on-death beneficiary designations in notes, deeds of trust, and other instruments, although certain types of pay-on-death beneficiary designations are permissible, including the payment of employee death benefits to a designated beneficiary, the payment of proceeds of savings bonds to a designated beneficiary, and certain accounts subject to payable-on-death designations.

This bill would expressly authorize pay-on-death beneficiary designations even though not executed with all the formalities of a will.

(4) Effect of homicide. Under existing law, no person who has unlawfully and intentionally caused the death of a decedent, or who has otherwise caused the death of a decedent in the perpetration or attempt to perpetrate arson, rape, robbery, burglary, mayhem, or specified sex crimes, is entitled to succeed to any portion of the decedent's

estate or take under any provision in the decedent's will.

This bill would disqualify a person from taking from the victim only if the killing was felonious and intentional.

(5) Execution of wills. Existing law generally requires that a will be in writing, be signed or acknowledged by the testator, and be witnessed by 2 witnesses. The testator is required to sign or acknowledge the will in the presence of both of the witnesses, present at the same time, and the signature must be at the end of the will. The testator is required to declare in the presence of both witnesses that it is his or her will and the witnesses each must sign the will as a witness at the end of the will, at the testator's request, and in the presence of the testator

This bill would replace the existing requirement that the testator both declare to the witnesses that it is his or her will and request the witnesses to sign the will with the new requirement that the witnesses understand that the instrument they sign is the testator's will. This bill would eliminate the requirement that the signatures of the testator and the witnesses must be at the end of the will

(6) Interested witnesses. Under existing law, a person who is a subscribing witness to a will is disqualified from taking under a will unless there are 2 other disinterested subscribing witnesses to the will, except as otherwise specified.

This bill would not disqualify an interested witness from taking under a will but would create a presumption that a devise to an interested witness was procured by duress, menace, fraud, or undue influence and would place on the witness the burden of proof to rebut this presumption in order to take under the will.

(7) Choice of law by nondomiciliary testator. Under existing law, a will which is executed in California and offered for probate in California is valid only if it is executed in accordance with California laws, notwithstanding that the testator may have been domiciled in another state at the time of execution and that the will would be valid under the law of that state.

This bill would provide that a will executed in California is valid in California if it would be valid under the law of another jurisdiction, as specified.

(8) Revocation of wills. Under existing law, a will may be revoked, including by being burnt, torn, canceled, defaced, obliterated, or destroyed with the intent and for the purpose of revoking it, by some person in the testator's presence and at the testator's direction, but only if the direction of the testator and the fact of destruction or injury is proved by 2 witnesses.

This bill would eliminate the 2-witness requirement for a will to be revoked by a person other than the testator.

(9) Revocation by dissolution or annulment. Under existing law, a dissolution or annulment of the testator's marriage has no effect on any dispositive provision in the testator's will in favor of the former spouse, and every final judgment of dissolution or annulment is required to contain a notice to that effect.

This bill would provide that a dissolution or annulment of marriage revokes any disposition made by will to the former spouse unless the will expressly provides otherwise.

(10) Inheritance rights of adopted person. Under existing law, an adopted person inherits from or through the adoptive parents but not from or through the natural parents who gave the person up for adoption.

This bill would permit a person who is adopted in a stepparent adoption to continue to inherit from and through the natural parents as well as the adoptive parents.

This bill would permit an adopted person to continue to inherit from or through a natural parent (as well as the adoptive parents) if the natural parent and the adopted person lived together as parent and child and the child was adopted by the spouse of either of the natural parents or was adopted after the death of either of the natural parents. The bill would treat a stepchild or foster child the same as an adopted child in certain situations where adoption was prevented by a legal barrier

This bill would preclude an adopted person from taking as a child of the adopting parent under a devise by a testator who is not the adoptive parent unless the will otherwise provides or unless the adopted person lived while a minor as a regular member of the household of the adopting parent or the parent, brother, sister, or surviving spouse of the adopting parent

(11) Failed residuary or future interest gift Under existing case law, unless the an-

tilapse statute applies or the will indicates a contrary intent, a share of 2 or more residuary devisees that fail passes by intestacy and a share of a devise of a future interest to 2 or more devisees that fails becomes a part of the residue.

This bill would provide that, unless the antilapse statute applies or a contrary intention is indicated by the will, if the residue of a future interest is devised to 2 or more persons and the share of a devisee fails for any reason, the share passes to the other devisees in proportion to their interests in the residue or future interest.

(12) Exoneration. Under existing law, if a testator by will gives property which is subject to an encumbrance to a person, and the testator's intention as to the encumbrance does not appear from the will and the encumbrance is one for which the testator is personally liable, the devisee is entitled to "exoneration," that is, to receive the land free of the encumbrance. The encumbrance is paid out of other assets of the estate.

This bill would provide that a devise passes the property to the devisee subject to all encumbrances, regardless of a general directive in the will to pay debts.

(13) Ademption. Under existing law, if a will makes a gift of specific property and the property no longer exists at the testator's death or is no longer in the testator's estate, the testamentary provision is nullified, except in certain specified situations.

This bill would designate other specific situations where a specific gift would not be adeemed.

(14) California statutory will. Existing law provides for a California statutory will—a will executed by a testator on a printed will form.

This bill would generally continue the substance of the existing provisions, except that changes are made to conform those existing provisions to the changes otherwise proposed by this bill, including changes in the manner in which the estate goes when a spouse fails to make an effective disposition by will, and as to the revocation of dispositions to a spouse upon dissolution or annulment of the testator's marriage.

(15) Intestate succession, remote heirs. Under existing law, if a decedent leaves no issue, spouse, parent, brother, sister, or a descendant of a deceased brother or sister, the estate goes to the next of kin, regardless of how remotely related the next of kin may be to the decedent.

This bill would permit issue of a predeceased spouse to take before kindred of the decedent more remote than grandparents and issue of grandparents.

(16) Ancestral property doctrine. Under existing law, in certain situations inheritance is governed not by the relationship of the heirs to the decedent but by the source of the property in the decedent's estate. For example, on the death of a person leaving neither spouse nor issue property received from a parent or grandparent goes to the parent or grandparent or to their heirs, and property received from a predeceased spouse goes to relatives of the predeceased spouse.

This bill would eliminate that doctrine, but would permit certain relatives of a predeceased spouse who are not heirs of a decedent to inherit property of the decedent. However if the decedent had a predeceased spouse who died not more than 15 years before the decedent and there is no surviving spouse or issue of the decedent, the portion of the decedent's estate attributable to the predeceased spouse would pass to certain relatives under a different formula.

(17) Omitted children. Under existing law, when a decedent omits to provide in the will for any child, or for the issue of any deceased child, whether born before or after the making of the will or the decedent's death, the child or the issue succeeds to the same share as if the decedent died intestate, except as otherwise specified.

This bill would discontinue the right of a child who was omitted from a will but who was living when the will was made to take a share of the estate, except in limited situations. This bill would discontinue the right of issue of any deceased child to take a share of the estate as omitted issue.

(18) Operative date This bill would become operative on January 1, 1985. This bill would apply to the estate of any decedent who dies after January 1, 1985.

This bill also would make technical, conforming, and corresponding changes to facilitate or effect the implementation of its provisions The bill would also make conforming changes in provisions added by Chapter 17 of the Statutes of 1983 (AB 28), and in provisions proposed by Chapter 6 of the Statutes of 1983 (AB 29) and AB 1946, in the event that bill is chaptered.

Ch 843 (SB 1204) Carpenter Community colleges· board of governors: faculty member

Existing law specifies that the Board of Governors of the California Community Colleges consists of 14 members appointed by the Governor with the advice and consent of ⅔ of the Senate, and one voting student member appointed by the Governor, as specified.

This bill would require the Governor to appoint to a 2-year term on the board a voting tenured faculty member from a community college. The bill would require the faculty member to be appointed from a list of names of at least 3 persons furnished by the Academic Senate of the California Community Colleges. The bill would specify that the first voting tenured faculty member appointed to the board shall occupy the seat made available after the next full-term vacancy of a 4-year term that exists after January 1, 1984. Thereafter, that seat would be designated as the voting tenured faculty member seat, to be filled by a tenured faculty member from a community college as specified, and the number of board members appointed to a 4-year term by the Governor with the advice and consent of ⅔ of the Senate would decrease to 13. The bill would prohibit the faculty member from participating on any subcommittee responsible for collective bargaining negotiations.

Ch. 844 (AB 1903) Seastrand. Taxation

Existing law defines the terms "sales price" and "gross receipts" for the purposes of the California Sales and Use Tax Law

This bill would make specified changes in these definitions.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Ch. 845 (AB 2010) Cortese Real property: subdivisions. merger.

(1) Existing law regulating the division of land under the Subdivision Map Act, permits cities and counties, by ordinance, to merge 2 or more contiguous parcels under the same ownership if either of the parcels does not conform to standards for minimum parcel size to permit use or development and one of the contiguous parcels is not developed with a building. Existing law requires the city or county to record a notice that a merger of parcels has occurred.

This bill would prescribe additional criteria for the future merger of parcels by local agencies, and would operate to unmerge previously merged parcels for which a notice of merger had not been recorded if the parcel meets specified criteria, and would authorize a city or county to charge the property owner a fee for the costs associated with unmerging a parcel in compliance with the bill.

The bill would impose a state-mandated local program by requiring cities and counties, (a) to give specified notices for the purpose of informing property owners that contiguous commonly owned parcels may have merged, (b) to determine whether particular parcels meet the prescribed criteria for unmerger, and (c) to record a Notice of Unmerger with respect to an unmerged parcel

(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. 846 (AB 2075) Chacon. Building permits.

(1) Under existing law, there is no specific authorization, or requirement for cities, counties, or cities and counties in checking plans and specifications submitted with an application for a residential building permit, to employ additional personnel or contract out the work.

This bill would authorize the governing body of a city, county, or city and county to authorize its enforcement agency to contract with or to employ a private citizen or person on a temporary basis to perform the plan checking function. It would also impose a state-mandated local program by requiring a city, county, or city and county upon the request of the applicant, to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function whenever there is an excessive

delay, as defined, by the city or county to complete the checking of plans and specifications for residential building permits, and would allow the city or county to charge the applicant such fees as are necessary to defray the costs of employing or contracting with private entities or persons as requested by the applicant.

(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. 847 (AB 1578) Wright. Contracts membership camping.

Existing law does not specifically regulate contracts for membership camping.

This bill would define terms relevant to the regulation of these contracts, and would require a membership camping operator to provide to a purchaser written disclosure in a prescribed format which clearly communicates specified information before the purchaser signs a membership camping contract, or gives any money or thing of value for the purchase of a membership camping contract. A membership camping contract broker who resells such contracts to a new purchaser would also be required to make specified disclosures

This bill would also provide that a membership camping contract shall be written in the same language as any oral sales presentation (e.g., Spanish), and that the contract shall be dated, signed by the purchaser, and provide notice to the purchaser of the purchaser's right to cancellation of the contract, as specified.

The bill would also specify certain exemptions and the remedies for violations of these provisions.

Ch. 848 (AB 74) Mountjoy. Private postsecondary education.

Existing law generally 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 specified

Existing law requires institutions desiring to operate in this state to make application to the superintendent and specifies the contents of the application.

This bill would exempt institutions which meet certain criteria from the duty to file specified information with the superintendent as part of the application.

Existing law establishes minimum standards of compliance for all institutions authorized or approved pursuant to specified statutory provisions.

This bill would require institutions certified to offer flight instruction by the Federal Aviation Administration to comply with all of these requirements but would prohibit requiring these institutions to file materials which are not required by the Federal Aviation Administration, except as specified This bill would also place responsibility for monitoring and enforcing institutional compliance for these institutions with the Superintendent of Public Instruction.

This bill would exempt individual flight instructors who do not require advance payments, who do not negotiate a formal contract of indebtedness, and who do not have a place of business other than their residence from these requirements.

This bill would take effect immediately as an urgency statute.

Ch. 849 (AB 86) Young. State highways: Route 73

Under existing law, State Highway Route 73 is from Route 1 near Corona del Mar to Route 405.

This bill would revise the route description for Route 73 from Route 5 near San Juan Capistrano to Route 405 via the San Joaquin Hills.

The bill would provide that, when the Route 73 freeway is completed, MacArthur

Boulevard from Route 1 near Corona del Mar to San Diego Creek in Irvine ceases to be a state highway.

Ch 850 (AB 1724) Filante. Assault and battery

Existing law provides generally that an assault is punishable by a fine not exceeding $500, or by imprisonment in the county jail not exceeding 6 months, or by both. A battery is generally punishable by a fine not exceeding $1,000, or by imprisonment in the county jail not exceeding 6 months, or by both.

This bill would provide that when an assault or battery is committed against the person of a process server and the person committing the offense knows or reasonably should know that the victim is a process server engaged in the performance of his or her duties, the offense shall be punishable by a fine not exceeding $1,000, or by imprisonment in the county jail not exceeding one year, or by both

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by increasing the penalty for a crime.

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

Ch. 851 (SB 236) Dills. Community colleges: fiscal affairs.

Existing law requires a community college district which receives an emergency apportionment to repay that apportionment, together with interest, during 3 fiscal years by means of deductions from apportionments during those 3 years.

This bill would require that the Compton Community College District repay an emergency apportionment received for the 1982–83 fiscal year in the 1984–85, 1985–86, 1986–87 fiscal years, as specified.

Ch. 852 (AB 1967) Calderon. Banks.

Existing law defines "person" for the purposes of the Banking Law

This bill would revise this definition to include, among other entities, a sovereign government or agency, instrumentality, or political subdivision thereof. The bill would also define the meaning of obligations of a sovereign government or agency for the purposes of the provisions of the Banking Law relating to loan limitations.

Existing law provides that, with specified exceptions, the unsecured obligations of any one person owing to a commercial bank at any one time shall not exceed 10% of the sum of the shareholders' equity, allowance for loan losses, capital notes, and debentures of the bank, and the obligations of any one person, secured and unsecured, in all shall not exceed 20% of the sum of the shareholders' equity, allowance for loan losses, capital notes, and debentures of the bank.

This bill would change the limitations on unsecured obligations to 15% and the limitation on the total of unsecured and secured obligations to 25%

Existing law specifies certain obligations which are not included among the obligations of a person for the purpose of applying the limitations imposed upon the amount of obligations any one person may owe to a commercial bank at any one time.

This bill would provide that these provisions apply as well to obligations of the United States, obligations of certain federal agencies or instrumentalities, obligations of the State of California, and obligations of a local agency or district of the State of California, as specified.

Ch. 853 (SB 337) B. Greene. Child support.

Under existing law, where child support payments have been ordered to be paid pursuant to a wage assignment, if the payments are unable to be delivered to the parent to whom support has been ordered to be paid for 3 months due to that person's failure to make a required notification as to change of address, all undeliverable payments are required to be returned to the parent whose wages have been assigned, as specified.

This bill would instead provide that the payments must be unable to be delivered for

6 months in order for them to be required to be returned to the parent whose wages have been assigned. The bill would repeal those provisions and restore existing law on January 1, 1987.

Ch. 854 (AB 415) Floyd Certificated employees: revocation of certificate.

(1) Existing law establishes various provisions for the revocation or suspension of the credentials of certificated employees of school districts.

This bill would, notwithstanding these provisions, require the Commission on Teacher Credentialing to revoke the credential of any person who knowingly and willfully reports false fiscal expenditure data relative to the conduct of any educational program.

(2) Existing law authorizes a private admonition, as defined, to be included in the applicant's or credential holder's file maintained by the commission and the applicant's or credential holder's file, as prescribed.

This bill would require the commission and the applicant's or credential holder's employer to expunge all records pertaining to the private admonition maintained in its files at the expiration of 3 years, so long as there is no recurrence of such an offense.

This bill would impose a state-mandated local program by requiring local public school employers to expunge the records.

(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 855 (AB 1704) Elder Accountants: State Board of Accountancy.

Existing law provides for a State Board of Accountancy which consists of 9 members, 4 of whom shall be certified public accountants, two of whom shall be public accountants, and 3 public members. The Governor appoints the accountancy members and one of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member

This bill would add 3 members to the board; 2 additional certified public accountants, and an additional public member. The Governor would appoint the public accountant members and the Senate Rules Committee would appoint the public member, as its appointment, of one public member to the board.

Ch 856 (AB 2057) Jones. State Department of Health Services: contracts.

Under existing law, the State Department of Health Services is authorized to enter into contracts with providers for the provision of health services under a variety of separate programs

This bill would authorize the state department to include within a single contract with a provider, provisions for health services under specified programs, but would require that federally funded programs required to maintain separate accounting and reporting do so as required.

This bill would require that any audits conducted under any health services program be conformed to include other programs under the contract, as specified.

This bill would make any such contract subject to review and approval by the Department of General Services.

This bill would authorize the establishment of a single account for the deposit of all funds for eligible health service programs.

Ch 857 (AB 1507) Bader Agriculture.

(1) Existing law regulates the purchase of manufacturing milk from producers by handlers.

This bill would make the following changes in the law relating to manufacturing milk:

(a) The purchase of any milk from a producer without a written contract, as specified, would be an unlawful trade practice with a specified exception.

(b) The failure of a handler to pay for milk delivered at the time and in the manner specified in the contract would be an unlawful trade practice.

(c) The Director of Food and Agriculture would be authorized to revoke, suspend, or take other specified action regarding a handler's license if the handler has not paid for milk delivered as specified in the contract.

(d) The director would be authorized to suspend or revoke a handler's license, under a specified procedure, in emergency circumstances.

(2) Existing law establishes the California Kiwifruit Commission with specified authority and duties regarding the production and marketing of kiwifruit.

This bill would provide that adoption of rules and regulations will be in the manner established by the commission. This bill would also authorize the commission to administer programs establishing grades and standards for kiwifruit, to file civil actions, and to file criminal complaints with law enforcement agencies, with respect to the law relating to kiwifruit. The bill would also revise the formulation used by the commission to establish the annual assessment rate to support commission activities.

(3) Under existing law, the California Egg Commission will become operative if the handlers of eggs and egg products approve the establishment of the commission in a referendum, as specified.

This bill would add the County of Los Angeles to District 1 of the proposed commission and make a technical change in the law regarding concluding the operations of the commission.

(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.

The bill would create a state-mandated local program by enacting a new crime

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

Ch. 858 (AB 601) Bane. Industrial loan companies.

Existing law provides for the regulation of industrial loan companies pursuant to the Industrial Loan Law, in the Financial Code.

This bill would extensively revise those provisions of the Financial Code, relating to such companies, and, among other things, would do all of the following:

(1) State legislative intent that provisions of the Industrial Loan Law be changed so as to give greater parity to industrial loan companies with other financial institutions.

(2) Provide that the Industrial Loan Law also be known and cited as the Industrial Loan Law or Thrift and Loan Law.

(3) Revise the capital stock requirements for industrial loan companies and revise requirements for the declaration of dividends.

(4) Provide that the Commissioner of Corporations shall not approve an application for a branch office until the industrial loan company has established branch operational controls, and the financial condition of the company justifies the establishment of the proposed branch office.

(5) Revise specified loan provisions

(6) Provide, with specified exception, that an industrial loan company shall not make any loan or purchase, or discount any other obligation that provides for a repayment of principal for more than 120 months.

(7) Permit an industrial loan company to charge, contract for, and receive a fee in connection with making a written commitment to make a loan, secured by real property having a face amount in excess of $10,000 whether or not the loan is consummated, or in connection with the purchase, sale, or origination of a lease as lessor

(8) Delete a repealer provision in existing provisions relating to alternatives to the charges which an industrial loan company may contract for and receive, as specified

(9) Permit an appraisal fee to be charged by an industrial loan company for any loan

secured primarily by real property without restriction as to the face amount of the loan.

(10) Authorize specified acts by an industrial loan company without regard to the dollar amount of a delinquent loan with respect to collection of that loan.

(11) Revise provisions prohibiting an industrial loan company that has investment certificates outstanding from making any loan or purchase or discount or other obligation with a maturity of more than 60 months and 15 days, as specified.

(12) Repeal provisions of existing law which provide that an industrial loan company shall not originate or purchase any lease that provides for a lease term over more than a specified maximum term

(13) Revise specified provisions relating to lease contracts.

(14) Revise provisions regulating investment certificates, as specified.

Ch. 859 (AB 1019) Sher. Commercial transactions.

Existing law authorizes the Legislature to create new classes of lenders who are exempt from the interest rate restrictions and the prohibition against usury contained in Section 1 of Article XV of the California Constitution

This bill would provide that an evidence of indebtedness issued pursuant to a qualification under the Corporate Securities Law and the purchaser thereof, are exempt from the constitutional prohibition against usury. The bill would also provide that broker-dealers licensed under the Corporate Securities Law constitute an exempt class of persons pursuant to Section 1 of Article XV of the Constitution. It would also exempt those broker-dealers from specified provisions regulating personal property brokers.

Existing law provides that the fee for filing notices of exemption from qualification under the Corporate Securities Law of 1968 for small offerings and limited offerings is $25.

This bill would prescribe instead a schedule of fees for filing these notices which would vary depending upon the value of the securities sold.

Existing law provides that the Commissioner of Corporations may by rule exempt from certain qualification requirements of the Corporate Securities Law of 1968, any transaction that he or she finds is not comprehended within the purposes of this law and the qualification of which he or she finds is not necessary or appropriate in the public interest or for the protection of investors

This bill would provide that the commissioner may by rule require payment of a fee for filing a notice or report required in connection with such an exempt transaction.

The bill would also require the Commissioner of Corporations to adopt emergency regulations to implement these provisions providing for the assessment of fees for filing notices or reports of exemption from qualification, as specified

Under the existing Personal Property Brokers Law, the use and possession of shares of corporate stock, or bonds, debentures or other obligations of a corporation or government or government subdivision or agency which constitute the security for a loan, are deemed to be retained by other than the mortgagee or lender, notwithstanding that the lender or any third person has custody of the certificates or documents evidencing the shares or obligations. Existing law also specifies the right of the borrower to vote shares of stock held as security and specifies how the dividends or interest on such shares or obligations are to be credited or distributed.

This bill would repeal these provisions.

Existing law provides that loans of certain amounts and certain commercial loans, including commercial loans made in accordance with state and federal corporate securities laws, are exempt from limitations on loan charges and other provisions of the Personal Property Brokers Law, as specified

This bill would delete this exemption for commercial loans made in accordance with specified state and federal corporate securities laws The bill would make various conforming changes

This bill would incorporate additional changes in Section 22050 of the Financial Code, proposed by AB 1966, to be operative only if AB 1966 and this bill are both chaptered and become effective on or before January 1, 1984 and this bill is chaptered last.

The bill would also take effect immediately as an urgency statute

Ch. 860 (AB 696) Cortese. Counties and cities. referral of land use proposals.

(1) Existing law prescribes a procedure whereby any local agency may make recommendations concerning proposed subdivisions in any adjoining city or in adjoining unincorporated territory, and within 3 miles of the exterior boundary of such local agency. The recommendations must be taken into consideration by the city or county which has jurisdiction over the proposed subdivision before taking action on the tentative subdivision map.

This bill would, if a city and county have not agreed upon a procedure, prescribe procedures for a city to request that a county refer to the city any proposal to adopt or amend a general plan, specific plan, or zoning ordinance if the proposed action affects territory within the planning review area, as defined, of the city. The county would be required, with prescribed exceptions, to make the requested referrals and the city would be permitted to make recommendations thereon The county would be required to consider the comments of affected cities This procedure would be in effect only until January 1, 1990.

The bill would impose a state-mandated local program by requiring counties to respond in a specified manner to requests from cities which would be affected by land use actions of the 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.

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, 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 861 (SB 455) Robbins Transportation

Existing law authorizes a joint powers entity to issue revenue bonds for specified projects, which are additional to powers common to the parties to the joint powers agreement if authorized, as specified.

The bill would authorize a joint powers entity to finance or refinance the acquisition or transfer of transit equipment or transfer federal income tax benefits with respect to any transit equipment without being subject to any limitation of any party to the joint powers agreement The financing or refinancing would be authorized to be made by executing agreements, leases, purchase agreements, and equipment trust certificates, as specified. The bill would provide for related provisions, including filing of copies with the Secretary of State, for which a fee of $1 may be charged

Ch. 862 (AB 195) Cortese. Prepaid rental listing service.

Existing law provides that a person licensed to conduct a prepaid rental listing service shall refund any amount above a $25 service charge to the prospective tenant if he or she does not obtain a rental, provided that the prospective tenant demands a return of that part of the fee within a specified time period.

This bill would require the licensee to refund such fees within 10 days of receipt of the demand by the prospective tenant, if the prospective tenant obtains a rental other than through the services of the licensee during the term of the rental listing contract or does not obtain a rental through the services of the licensee during this time The bill would also alter the provisions which are required to be contained in a prepaid rental listing contract to reflect these changes

This bill would also prohibit licensees from making false, misleading, or deceptive advertisements or representations concerning the services the licensee will provide to prospective tenants.

This bill would impose a state-mandated local program by creating a new crime.

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

claims to the State Board of Control 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. 863 (AB 555) Campbell. Public liability

Under existing law, a public entity or public employee may be liable for an injury caused by a dangerous condition of public property in certain circumstances. However, existing law provides that a public entity or a public employee is not liable for an injury caused by a natural condition of unimproved property, or by an injury caused by the condition of a reservoir, or, in some circumstances, by an injury caused by the condition of canals, conduits, or drains.

This bill would provide that a public entity or public employee is not liable to any person who participates in a hazardous recreational activity, as defined or to any assistant or spectator as specified for any damage or injury to property or persons arising out of that hazardous recreational activity. However, that immunity would not apply for a failure to warn of a known dangerous condition or of another hazardous recreational activity known to the public entity or employee that is not reasonably assumed by the participant as inherently a part of the activity, where a specific fee was charged to participate, or to the extent that injury was caused by the negligent failure to construct or maintain any structure or work of improvement, as specified, or to damage or injury suffered in any case where the public entity or employee recklessly or with gross negligence promoted the participation in or observance of a hazardous recreational activity, or an act of gross negligence by the public entity or public employee which is the proximate cause of the injury.

The bill would also specifically provide that nothing contained therein shall limit the liability of an independent concessionaire or any person or organization other than the public entity, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a hazardous recreational activity on public property by the concessionaire, person, or organization.

Ch. 864 (AB 689) Costa. Agricultural land. contract cancellation: fees

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act) provide that a landowner of land subject to an enforceable contractual restriction under the act shall be required, with certain exceptions, to pay a fee for cancellation of that contract which shall constitute a specified percentage of the cancellation valuation of the property and shall be paid to the county treasurer as deferred taxes. The deferred taxes so collected are required to be transmitted by the county treasurer to the Controller for deposit in the General Fund.

This bill would require that these deferred taxes be transmitted to the Controller within 30 days of the execution by the board of supervisors or the city council of a certificate of cancellation of contract, thereby imposing a state-mandated local program by restricting the time period within which the county treasurer's existing duty must be performed.

This bill would also create in the General Fund the Farmlands Mapping Account, into which shall be paid the first $450,000 in these deferred taxes paid to the Controller during the 1984–85 fiscal year and during each fiscal year thereafter, for appropriation to the Department of Conservation for the purposes of specified provisions relating to farmlands mapping and monitoring.

Existing provisions of the Williamson Act preclude the cancellation of any contract until after the city or county has given notice of, and has held, a public hearing on the matter. Notice of the hearing is required to be mailed to every owner of land under contract and any portion of which is situated within the same agricultural preserve and within one mile of the exterior boundary of the land upon which the contract is proposed to be canceled.

This bill would require that notice of the hearing also be mailed to the Director of Conservation.

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

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 865 (AB 958) Davis Pharmacy.

Existing law requires that an application to conduct a pharmacy be made on a form furnished by the State Board of Pharmacy containing specified information.

This bill would additionally require that the application contain a statement to the effect that the applicant has not been convicted of a felony and has not violated any provisions of the Pharmacy Law, as specified

The bill would add provisions to the Pharmacy Law requiring the board, upon receipt of an application for a license and the applicable fee, to make a thorough investigation to determine whether the applicant and the premises for which a license is applied qualify for a license. The bill would also prohibit certain persons from serving as officers, directors, associates, or partners of a licensee, permittee, or registrant, as specified. Whenever a person is prohibited from serving in that capacity, the bill would require the board to notify, in writing, each licensee, permittee, or registrant for whom the person is an officer, director or associate or partner of that prohibition, and also require the board to send a notification to the licensee, permittee, or registrant's address of record

Existing law requires any person who has received permission to conduct a pharmacy to have a registered pharmacist in charge of the pharmacy

This bill would require a person authorized to conduct a pharmacy to notify the State Board of Pharmacy within 30 days of the date of termination of a registered pharmacist who has been placed in charge of, or who acts as the manager of, the pharmacy It would require a registered pharmacist who takes charge of, or acts as manager of a pharmacy, upon termination of employment, to notify the board within 30 days of the termination. Failure to notify may constitute grounds for disciplinary action.

The bill would also provide that any person authorized to conduct a pharmacy who willfully fails to notify the board of the termination of a pharmacist and who continues to permit the compounding or dispensing of prescriptions, or the furnishing of drugs or poisons, in his or her pharmacy, except by a registered pharmacist, shall be subject to immediate suspension or revocation of his or her certificate, license, permit, or registration to conduct a pharmacy

The bill would become operative on July 1, 1984

Ch 866 (AB 1547) Hill. Electronic and appliance 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 video cameras, video games or computer systems 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 electromagnetic energy transmitted by direct satellite or commercial radio or television stations.

This bill would include in the definition of a service dealer any person who installs, repairs, services, or maintains video monitors and direct satellite signal receiving equipment, as defined, and would revise the definition of antenna to mean a device to capture energy transmitted by radio or television broadcasting facilities rather than radio or television stations.

The bill would add and define the terms electronic repair industry and appliance repair industry for those service dealers involved as a service dealer in the respective specified areas and would make related changes

The bill would revise the exemption for an employee of a service dealer to provide that the employee is exempt from the law while the employee is engaged in activities within the normal scope of the employer's business.

Existing law specifies the fee for registration pursuant to the Electronic and Appliance Repair Dealer Registration Law. The law provides that the provision specifying those fees is to be repealed on July 1, 1984

This bill would delete that repealing 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.

This bill would mandate a new program or higher level of service on local government by creating new crimes.

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 for a specified reason

Ch. 867 (AB 1660) Farr. Veterinary medicine

Existing law authorizes the Board of Examiners in Veterinary Medicine to deny, revoke, or suspend a license, or impose a fine or penalty on or place on probation a licensee of the board for various specified acts or omissions

This bill would authorize the board to impose specified terms and conditions when reinstating a license which has been revoked or suspended, as specified. The bill would also specifically authorize a person whose license has been revoked or who has been placed on probation to petition the board for reinstatement or modification of a penalty imposed by the board and specifies the method for submission and hearing of the petition by the board.

Ch. 868 (AB 1942) Davis. Energy conservation contracts private energy producers.

(1) Existing law does not expressly authorize and prescribe procedures for public agencies to develop energy conservation, cogeneration, and alternate energy sources at the facilities of the public agencies

This bill would expressly authorize and prescribe procedures for public agencies, as defined, to develop energy conservation, cogeneration, and alternate energy sources at the facilities of the public agencies It would authorize, subject to specified conditions, a public agency to enter into an energy service contract and a facility ground lease, or a facility financing contract and a facility ground lease, or an energy sale contract It would also define terms for the purpose of these provisions.

(2) Existing law requires the Public Utilities Commission to approve and establish equitable charges to be paid by an electrical corporation which purchases electricity from any private energy producer employing other than a conventional power source for the generation of electricity.

This bill would additionally authorize the commission to specify the prices, terms, and conditions for the purchase or sale of electricity, electrical generating capacity, or thermal energy between an electrical corporation and a private energy producer and these prices, terms, and conditions, so specified, would be considered reasonable and prudent for all purposes.

(3) The bill would define the terms "qualifying small power producer," "small power production facility," and "qualifying small power production facility" as having the same meaning as specified federal statutes and regulations and would provide that a qualifying small power producer owning or operating a small power production facility is not a public utility subject to the commission's jurisdiction solely because of this ownership or operation

(4) The bill would also require the Public Utilities Commission to extend a solar water heater demonstration project regarding long-term financing of solar energy systems for multifamily dwellings until September 15, 1984, for contracts and until December 15, 1984, for construction and would make legislative findings and declarations in that regard

Ch. 869 (AB 2007) Papan Group life and disability insurance.

Existing law provides that a group life insurance policy conforming to specified conditions may be issued to the trustees of a fund established by employers, including employers in an "industry," or unions to insure employees or members. The persons eligible for insurance shall be all of the members of the group or class as determined by conditions pertaining to their employment or membership. The insurance may be issued with or without medical examination. "Industry" is specifically defined for purposes of these provisions to exclude licensed professions, such as medicine, dentistry, pharmacy, law, and accountancy

This bill would require insurance to be issued with or without medical examination to all the members of the qualifying group or class and would specifically include licensed professions within the meaning of "industry."

Existing law provides that no policy, with specified exception, may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or to the trustee of the fund and established in whole or in part by the employers, exceeds $100,000

This bill would delete that provision

Existing law provides that a group disability insurance policy meeting specified requirements may be issued to a group or organization. If individual members of the group make a premium payment during a temporary absence from active work without billing or solicitation by the insurer, the payments may be received without the necessity of any separately stated charge by the insurer

This bill would allow the insurer to receive a premium payment without the necessity of any separately stated charge with or without billing or solicitation by the insurer.

Existing law requires group disability policies to be issued to any association having a constitution and bylaws formed and continuously maintained in good faith for purposes of other than that of obtaining insurance, offering insurance to all the eligible members of such association and covering not less than 10 such members or such members together with their dependents or spouses and not less than 50% of all eligible members for amounts of insurance based upon some plan which will preclude individual selection by the member as to the amount of his or her insurance coverage thereunder.

This bill would instead provide that the insurance cover not less than 25% of all eligible members for amounts of insurance based upon some plan, as specified.

The bill would also make related changes.

Ch. 870 (AB 1756) Frizzelle. Optometry.

Existing law does not authorize the Board of Optometry to assess administrative fines against licensees of the board who are acting in violation of provisions of law regulating the practice of optometry.

This bill would authorize the board to establish a system for the issuance of citations and the assessment of fines, which are not to exceed $2,500 per day for each violation of specified provisions of law regulating the practice of optometry, as deemed appropriate by the board The fines so collected shall be deposited in the State Optometry Fund.

Existing law provides that ½ of all the fines and forfeitures collected for violations or in prosecution under provisions regulating the practice of optometry are to be placed in the State Optometry Fund and the other half is to be paid to the school fund of the city where the prosecution is held.

This bill would delete that provision.

Ch. 871 (AB 976) Costa Irrigation districts: indebtedness.

(1) Under existing law, any irrigation district that owns and operates facilities for the generation, transmission, distribution, and retail sale of electric power on January 1, 1983, is exempt from all provisions of the Districts Securities Law and from any other provisions requiring the approval of the Treasurer 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 Any such district is required to give notice, as prescribed, to the California Debt Advisory Commission of the proposed sale of any bonds to provide permanent financing of any irrigation works.

This bill would require the notice to the California Debt Advisory Commission of the proposed sale of any evidence of indebtedness issued to provide financing of any such

works, but would permit the commission to waive the 30-day notice period upon application by the district.

(2) Under existing law, any irrigation district is authorized, 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.

This bill would authorize any irrigation district to issue notes or other evidences of indebtedness pursuant to the above provisions, without regard to the limitations contained in those provisions, to finance any works or facilities for the generation, transmission, distribution, or sale of electric power, except for preliminary or development work on the Tuolumne River or its tributaries above the New Don Pedro Reservoir, if bonds have already been approved prior to the issuance of the notes or evidences of indebtedness by a vote of the electorate to finance the works or facilities, but not to exceed the maximum amount of the unissued bonds.

The bill would also authorize any irrigation district to issue refunding bonds for the purpose of refunding any or all of the outstanding bonds of the district. The bill would generally authorize the board of directors of the district to determine that a negotiated sale of construction bonds issued for those purposes will be in the best interest of the district and, in that case, sell the bonds at a negotiated sale on such terms as may be approved by the board. The bill would also make additional changes in requirements governing the terms of the construction bonds and the manner of sale of the construction bonds issued to finance those works, and would make related changes.

Ch. 872 (AB 713) Stirling. Environmental quality. exemption. Olympic games.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration. Existing law exempts from the act activities necessary to the bidding for, hosting or staging of, and funding or carrying out of the Olympic games, but not the construction of facilities necessary for those games.

This bill would exempt, until August 1, 1984, the construction of an Olympic shooting range from the act, but would also require specified findings by the board of supervisors of the county, or the city council of the city, in which an Olympic shooting range is proposed to be located before it may be constructed.

(2) The bill would incorporate additional changes in Section 21080 of the Public Resources Code made by AB 1462, to be operative only if both this bill and AB 713 are chaptered before January 1, 1984, and this bill is chaptered last.

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

Ch. 873 (SB 700) McCorquodale. Building regulations.

Existing law precludes local legislative bodies from enacting ordinances restricting or prohibiting the use of solar energy systems, except as specified.

This bill would permit any city or county to adopt an ordinance or regulation to permit windows required for light and ventilation of habitable rooms in dwellings to open into areas provided with natural light and ventilation which are designed and built to act as passive solar energy collectors.

The provisions of this bill would become inoperative on the effective date that the building code regulations are modified, as specified, and would be repealed on the following January 1.

Ch. 874 (AB 1718) Leonard. Administrative regulations.

Existing statutes that prescribe the procedure for the adoption by state agencies of administrative regulations.

(1) Express legislative findings, declarations, and intent.

(2) Require the agency to prepare, to update prior to final adoption, and to make available to the public, upon request, a statement of the reasons for the proposed

adoption or amendment of a regulation, including specified matters.

This bill would do the following.

(a) Add to the findings and declarations in item (1) above, a statement regarding certain negative effects and burdens of regulations imposing prescriptive standards upon private persons and entities and a statement of intent to reduce such burdens by substituting performance standards for prescriptive standards, as those terms are defined, during the rulemaking process, under specified conditions.

(b) Require inclusion in the statement described in item (2) above, where the regulatory action mandates use of specific technologies or equipment, a statement of the reasons therefor and a description of alternatives considered and the reasons for their rejection and would require consideration of the imposition of performance standards as an alternative in specified circumstances.

Ch 875 (SB 385) Foran State highways excess real property.

Under existing law, the Department of Transportation is authorized to acquire real property for state highway purposes. Until January 1, 1983, the department was required to offer excess real property located in the capitol area, as defined, and no longer necessary for highway purposes to specified charitable and educational organizations.

This bill would delete the provision which had required prior to January 1, 1983, the offer of excess real property to these charitable and educational organizations.

Ch 876 (AB 1009) Statham Weights and measures

(1) Existing law prohibits any person from engaging in business as a person who installs, adjusts, services, or repairs commercial weighing or measuring devices unless the person has first been registered by the Director of Food and Agriculture Each registrant is also required to enroll with the director the name of each person employed by the registrant who adjusts, repairs, or installs commercial weighing or measuring devices.

This bill would make the following changes in the law relating to registrants and enrollees

(a) A registrant or enrollee would be specifically authorized to place a weighing or measuring device into service after servicing the device and to remove an "out of order" notice, as specified

(b) A county sealer would be authorized, pursuant to notice and hearing requirements, to suspend the authorization of a registrant or enrollee to place devices into service or to remove "out of order" notices when the registrant or enrollee violates laws relating to weights and measures.

(c) The registrant would be liable for suspension for the actions of his or her enrolled repair employees which are in violation of laws relating to weights and measures.

(d) Registrants who are not natural persons would be required to designate a natural person to act as an agent, as specified

(e) Registrants would be required to notify the county sealer within 24 hours of each servicing

(f) Each registrant would be required to identify his or her work on each weighing or measuring device by applying an adhesive tag or label.

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch 877 (AB 1147) Farr Child abuse and neglect county commissions

Existing law provides that a county board of supervisors may designate an existing voluntary local commission, board, or council for the purpose 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

Existing law also provides 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.

This bill would provide that the trust fund shall also include any funds appropriated by local governmental entities to the fund.

Existing law directs the local registrar or county recorder to retain a percentage, not to exceed 10% of the amounts in the fund collected from birth certificate fees, to defray the costs of collection.

This bill would make this retention permissive, rather than mandatory, on the part of the local registrar or county recorder.

This bill would also prohibit any county from using more than 5% of the trust fund for administrative costs.

This bill would further provide that the reduced birth certificate fee paid by public agencies would also apply to licensed private adoption agencies.

Existing law provides for the State Children's Trust Fund, which shall consist of funds received from counties which have not designated a commission for the purpose of establishing child abuse and neglect prevention and intervention programs, as well as state funds. Funds appropriated from this fund shall be used to fund child abuse and neglect prevention and intervention programs operated by private nonprofit organizations in counties where a commission for establishing these programs has not been created

This bill would, instead, provide that priority for funds transferred to the State Children's Trust Fund from counties where commissions have not been established shall be given to funding programs in the county where the funds originate.

The bill would, however, provide that where no acceptable proposal is submitted from organizations in a county from which funds originate, the funds may be expended as specified.

This bill would make other related changes in the law.

Ch. 878 (AB 955) Rogers. Property.

Under existing law, a city or county which provides by ordinance for the care or sale or other disposition of unclaimed property is required to provide that the property shall be held for a period of at least 4 months, except bicycles which are required to be held for at least 3 months.

This bill would shorten the holding period for all unclaimed property to 3 months.

Existing law prohibits the buying, selling, receiving, disposing, concealing, or possessing of certain items of personal property if a manufacturer's nameplate, serial number, or other distinguishing number or mark has been removed, defaced, covered, altered, or destroyed. A violation of that prohibition is a crime.

This bill would make it a crime to knowingly remove, deface, cover, alter, or destroy a National Crime Information Center owner identification number from the personal property of another without permission, unless otherwise provided by law, or except as otherwise specified, thereby creating a state-mandated local 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 879 (AB 1641) Condit. Mental health audit settlements.

This bill would provide that the Legislature recognizes that claims resulting from reimbursable state-mandated local costs relating to county mental health audit settlements which are approved by the State Board of Control are a legitimate debt of the state which shall be payable in future fiscal years The bill states the intent of the Legislature that these debts be paid commencing with the 1984–85 Budget Act.

Ch 880 (AB 1345) N. Waters. Agricultural land: transfers.

Existing provisions of the California Land Conservation Act of 1965 (the Williamson Act), among other things, prescribe the procedure for the establishment of agricultural preserves, as defined, by local agencies and authorize the preservation of agricultural lands within those preserves through contracts between landowners and local agencies restricting the use of those lands. Existing provisions of the act also provide for the method of canceling those contracts and permit, in certain circumstances, the rescission of existing contracts and the simultaneous entry into new contracts covering the same property.

This bill would specify that nothing in the Williamson Act shall prevent the transfer of ownership of a portion of land within an agricultural preserve from one immediate family member to another, if specified conditions are satisfied. This bill would also provide that such a transfer shall have no effect on any Williamson Act contract covering land of which a portion was the subject of the transfer.

This bill would permit, until January 1, 1985, the rescission of an existing contract on certain land and the simultaneous entry into a new contract on land not presently under contract if the city or county make specified findings regarding the land presently under contract and the land to become subject to the new contract. It would permit the imposition of a fee by a city or county to cover its administrative costs in connection with landowner requests for an agreement pursuant to the bill.

Ch. 881 (AB 1803) Connelly. Public drinking water.

(1) Existing law requires the State Department of Health Services to establish a program for detecting and monitoring organic chemical contaminants in drinking water delivered by public water systems by establishing a list of organic chemicals meeting specified criteria

This bill would require the department to evaluate each public water system to determine the potential for contamination, ~~to do water analyses, as specified, and to implement the proposed monitoring program submitted to the Legislature,~~ [and upon a determination by the department that a public water system is subject to potential contamination, would require the department to notify the public water system of the contaminants to be analyzed,]* and would establish a state-mandated local program by permitting the department to require public water systems to prepare water analyses and to furnish reports, as specified, which would be applicable to water systems of local agencies.

(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. 882 (AB 497) Cortese Election materials.

Existing law provides for candidates' statements in local elections which are contained in a voter's pamphlet. These statements, which must be filed with the clerk no later than 88 days before the election, allow 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 statutes further provide that the election clerk shall reject statements which contain certain material For instance, statements which contain obscene or defamatory matter must be rejected. An appellate court decision ruled that this rejection procedure is constitutionally invalid.

This bill would revise the filing date of statements in certain instances and it would delete the constitutionally objectionable provision providing for the rejection of certain matter However, it would impose a state-mandated local program by providing that, not less than 10 calendar days before the clerk submits the voter's pamphlet, containing the several candidates' statements, for printing, the clerk shall make a copy of the voter's pamphlet available for public examination in the clerk's office Under the bill, any person would be able to obtain a copy of the voter's pamphlet from the clerk for use outside of the clerk's office The clerk would be authorized to charge a fee to any person obtaining a copy of the material Any voter could maintain a judicial action to seek possible revision or deletion of material set forth in the pamphlet

Existing law allows the statement of measures appearing on the ballot to be abbreviated on the ballot.

This bill would allow for the abbreviation provided each and every statement of measures on the ballot is so abbreviated.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 883 (SB 254) Marks. Public social services.

Existing law prescribes procedures for departments under the Health and Welfare Agency with respect to processing direct service contracts, as defined, for approval.

This bill would permit the State Department of Social Services to advance up to 90% of any federal emergency food and shelter funds under certain federal laws to counties or local United Way organizations which have contracts with the department to provide emergency food and shelter services.

Existing state law contains provisions whereby the State Department of Social Services shall fulfill various planning requirements in preparing annual statewide social service plans in order to comply with provisions of federal law.

This bill would repeal many of the planning and reporting requirements due to changes in federal law which diminish federally required social services planning and reporting responsibilities as a condition of receiving federal funds.

Existing law provides that each county shall provide various types of social services to aged, blind, and disabled persons, utilizing county, state and federal funds.

This bill would specify that availability of these services shall be based upon eligibility criteria set forth by the State Department of Social Services which shall include, at a minimum, provision for eligibility based upon income and linkage to public assistance programs.

Existing law provides that state and federal funds shall be allocated to each county for provision of optional and mandatory county social services for adults and children.

This bill would require the Director of Social Services to develop and implement an allocation formula for these funds, with the formula to become effective not sooner than 30 days after it has been submitted to the chairman of the Joint Legislative Budget Committee.

This bill would take effect immediately as an urgency statute, and would make various provisions operative on January 1, 1984, as specified.

Ch. 884 (AB 593) Chacon. Operation of vessels: offenses.

(1) Existing law contains various requirements and offenses related to the safe operation of vessels.

This bill would require the Department of Boating and Waterways to cause preparation of a specified comprehensive recreational boating accident study and to report its findings and recommendations to the Legislature on or before January 1, 1986. The bill would require the department to take necessary steps to inform affected individuals and agencies of certain reporting requirements relative to boating offenses and accidents, and would impose a state-mandated local program by requiring peace officers who reasonably suspect boating accidents or casualties to have been caused by motorboat operation while under the influence of alcohol or controlled substances to immediately report to the department.

These provisions of the bill would be repealed January 1, 1986, without further action of the Legislature.

(2) A conviction of operation of a vessel or manipulation of water skis, an aquaplane, or similar device in a reckless or negligent manner or while under the influence of

alcohol or a drug is punishable in lieu of, or in addition to, imprisonment by a fine not exceeding $500.

This bill would increase the maximum fine to $1,000 if the person had been convicted in the previous 5 years of such an offense or of operating a vessel or manipulating water skis, an aquaplane, or similar device while under the influence of alcohol or a drug which results in the death of or serious bodily injury to another due to violation of 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.

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

Ch. 885 (SB 844) Dills. Public Employees' Retirement System.

(1) Existing provisions of the Public Employees' Retirement Law (PERL): provide for a local safety membership category (which includes local policemen) having higher retirement and disability benefits and higher contribution rates and lower minimum service retirement age than the local miscellaneous membership category; authorize contracting agencies to elect to make local safety member benefits applicable to specified employees.

This bill would authorize a city which is a contracting agency to include within the local policeman category of local safety members, employees employed in a jail, detention or correctional facility whose primary duty and responsibility is supervision and custody of persons committed thereto; be inapplicable to employees of a contracting agency unless and until it elects to be subject to the provisions. This new authorization would impose a new state-mandated local program since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(2) The PERL presently permits members under various circumstances to elect to receive credit for service by making installment payments.

This bill would provide that specified local members, upon retirement for industrial disability, be refunded such payments if their employer elects to be subject to the provision and amends its contract with the Public Employees' Retirement System. This new authorization would impose a new state-mandated local program since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

(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 886 (SB 650) Russell County Employees Retirement Law of 1937.

The County Employees Retirement Law of 1937 contains various financial provisions.

This bill would authorize counties to adopt, by resolution, certain alternative financial provisions relating to the reserve against deficiencies, the disposition of earnings and surplus earnings, the charging of the costs of various benefits and functions, a Supplemental Retiree Benefits Reserve, the payment of cost-of-living adjustments, a Contingency Reserve Account, related transfers, distributions and payments, definitions of actuarial rate and net earnings, related crediting, and a new standard for certain board of retirement recommendations

This new authorization would impose a state-mandated local program since its exercise would be subject to negotiation under existing law relating to local public employer-employee relations.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for

certain costs mandated by the state. Other provisions require the Department 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. 887 (SB 539) Robbins. Unemployment insurance: coverage.

Existing law permits an individual who is the sole stockholder of a private corporation organized for profit to file a statement disclaiming any rights to unemployment compensation benefits and unemployment compensation disability benefits and exempts the individual and the corporation from making the required contributions to fund the benefits.

This bill would permit the individual to file the disclaimer and obtain the exemption with respect to either unemployment compensation benefits or unemployment compensation disability benefits, or both. Authority to file the disclaimer and claim the exemption would remain in effect only until January 1, 1989.

Ch. 888 (SB 597) Russell. Insurance: discontinuance and replacement of group health insurance.

Existing law provides with respect to group disability insurance policies, and related carriers that every insurance policy containing a loss of time benefit, a specific indemnity during hospital confinement, or hospital, medical, or surgical expense benefits shall contain a reasonable extension of such benefits upon discontinuance of the policy with respect to employees or dependents who become totally disabled while insured under the policy and who continue to be totally disabled at the date of the discontinuance of the policy. Existing law contains similar provisions requiring certain health care service plan contracts to contain a reasonable extension of benefits.

This bill would revise those provisions. Among other things, it would revise provisions relating to the termination of an extension of benefits, and relating to the duty of a succeeding carrier providing replacement coverage. It would also make specified provisions applicable to insurers and related carriers providing hospital, medical, or surgical benefits on an expense incurred or service basis rather than to those providing hospital, medical, or surgical expense benefits.

Ch. 889 (AB 279) Hauser. Vehicles: theft.

Existing law makes it a felony, punishable by imprisonment in the county jail for not more than one year or in the state prison for 16 months, or 2 or 3 years, or by a fine of not more than $5,000, or by both the fine and imprisonment, for any person to take a vehicle not his or her own, without the consent of the owner and with intent either to permanently or temporarily deprive the owner thereof.

This bill would increase the penalty for the taking of an ambulance, or a distinctly marked vehicle of a law enforcement agency or fire department, where the person doing the taking, has knowledge that the ambulance or vehicle is on emergency call, by making the offense punishable by imprisonment in the state prison for 2, 3, or 4 years or by a fine of not more than $10,000, or by both the fine and imprisonment. The bill would enact conforming procedural requirements.

Ch 890 (AB 1745) Molina. Health care: perinatal care.

Existing law requires the State Department of Health Services to maintain a comprehensive community-based perinatal services program, and to be responsible for monitoring the delivery of services under this program. The department is required by existing law to develop and implement a uniform sliding fee schedule for women provided perinatal care through the perinatal services program.

This bill would permit certain organizations to utilize sliding fee scales mandated by federal law or regulation in lieu of the sliding fee scale promulgated by the department

Ch. 891 (AB 2069) Tanner Contractors.

Existing law provides for the licensing and regulation of contractors by the Contractors' State License Board.

This bill would revise those provisions of law by: (1) deleting a requirement that notices of the adoption, amendment, or repeal of regulations be published in a newspaper of general circulation, as specified; (2) requiring suspension of a joint venture license when any member does not have an active license in good standing; (3) authorizing the registrar to prescribe the form for application for an additional contractors classification license, (4) prohibiting the use of a namestyle that is inconsistent with the license held by a licensee; (5) revising requirements for notification of the disassociation with a licensee of an individual who was the qualifying individual for the license; (6) revising conditions for voiding an application for an original license, an additional classification or for a change of qualifier; (7) revising conditions for the cancellation of a contractor's license upon the death or disassociation of a licensee, or a partner or member of a licensed entity; (8) revising procedures for placing a license on inactive status; (9) deleting a specific requirement that specified records maintained by the registrar be open to public inspection; (10) revising notification requirements for a change in the records of a licensee, (11) authorizing the refusal of a license to any personnel of a person whose license was revoked who had knowledge and participated in the acts contributing grounds for revocation of the license; (12) making it grounds for disciplinary action for any licensee to falsely sign in support of an applicant's experience qualifications; (13) prohibiting any person who was a qualifying individual on a revoked license from being associated with another licensee, as specified, whether or not the individual had knowledge or participated in the acts for which the license was revoked; (14) providing that a license may be renewed after the renewed date only where the failure to renew was due to circumstances beyond the control of the licensee; and (15) permitting renewal dates for registrations issued for home improvement salesmen to be spread over the year, as specified.

The bill would make other related and conforming changes 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.

This bill would mandate a new program or higher level of service on local government by creating new crimes

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 for a specified reason.

Ch. 892 (AB 1193) Elder. Barbers. barber colleges.

Existing law requires an applicant for a certificate to operate a barber college to submit specified information to the State Board of Barber Examiners.

This bill would include in that required information the submission of a copy of the school's curriculum including course outlines, lesson plans, and methods of student evaluation.

Existing law provides that a certificate of registration to operate a new barber college shall not be issued unless there is in the county wherein the college is to be established a population of at least 500,000 for each barber college in operation in the county and an additional 500,000 or more for the new college. Existing law also provides that a certificate to operate a new barber college in any city shall not be issued where the ratio of the population of the city is less than 150,000 for each such college. The law also requires the State Board of Barber Examiners to consider the effect of the establishment of a barber college on the community and requires an applicant to submit proof that the establishment of a barber college in a particular area will not be detrimental to the public welfare.

This bill would delete the above provisions

The bill would authorize a certificate to operate a new barber college to be issued if the applicant submits proof that at least 15 persons have submitted student applications

to the new barber college and would require a barber college that has been licensed for less than 2 years to post a $20,000 bond.

Ch. 893 (AB 1675) Areas. Transportation hazardous radioactive material

(1) Existing law provides that all records of the Department of Motor Vehicles, including abstracts of convictions, are to be open to public inspection.

This bill would require the department to develop a notification process for the purpose of notifying employers of drivers employed for hauling hazardous radioactive materials of the convictions and accidents of the driver and would provide for a fee to cover the cost of the process

(2) Existing law authorizes the department to issue driver's licenses and authorizes the department to issue certificates to drivers operating farm vehicles, special construction equipment, or school buses.

This bill would require drivers operating vehicles hauling fissile class III shipments or large quantity radioactive materials, as defined by federal regulation, to possess a radioactive materials driver's certificate issued by the department. The department and the Department of the California Highway Patrol would be authorized to develop a radioactive hauler driving training course, and the certificate would be issued only to those drivers who take the course and pass an examination, upon payment of a $12 fee. Either the employer of the driver or a licensed driving school would be permitted to administer the course. The bill would require the department to deny the certificate to any person convicted of certain violations during the preceding 5 years and would also require the department to revoke the certificate of any driver who is convicted of those violations

The bill would also impose a fine of between $5,000 and $10,000 upon any person knowingly directing the operation of a vehicle transporting fissile class III shipments or large quantity radioactive materials by a driver who does not possess the appropriate license with a radioactive materials driver's certificate authorizing that transportation.

(3) Existing law requires the Department of the California Highway Patrol to issue, until January 1, 1988, licenses for the transportation of hazardous material which includes certain radioactive materials, as defined by federal regulation. Existing law authorizes the Commissioner of the California Highway Patrol to temporarily suspend the license to haul hazardous material prior to a hearing, when, in the commissioner's opinion, the action is necessary to prevent imminent and substantial danger to the public health, the suspension remaining effective until the hearing is completed and a final determination made.

This bill would require the commissioner to suspend the license to haul hazardous material for a period of between 90 and 180 days if the licenseholder permits the transportation of fissile class III shipments or large quantity radioactive materials by a person who does not possess both a license of the appropriate class and a radioactive materials driver's certificate.

(4) The bill would become operative on July 1, 1984.

(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 impose a state-mandated local program by creating a new crime.

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

Ch. 894 (AB 598) Hill. Gifts prisoners

Existing law prohibits officers or employees of police departments, members and employees of sheriff's department, employees of jails or other local governmental correctional facilities, from making any gift or present to, or receiving a gift or present from, any prisoner, or having any barter or dealings with a prisoner, without permission of the police department or sheriff's department Existing law also provides that a violation of that prohibition by those officers or employees would result in termination of employment

This bill would repeal those provisions and enact new provisions which would require

every local agency which operates a custodial or correctional facility to adopt regulations establishing disciplinary procedures and penalties for the unauthorized giving of any gifts to arrestees or prisoners or the unauthorized receipt of any gifts from arrestees or prisoners by officers or other employees

The bill would mandate a new program or higher level of service on local governments by imposing new duties on a local law enforcement agency.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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, 1990, the provisions contained in the bill for which state reimbursement is required.

Ch. 895 (AB 2064) Peace Public utilities: telephone corporations.

Under existing law, a telephone corporation is a public utility, is subject to regulation by the Public Utilities Commission, and may sell, lease, assign, transfer, or convey any rights, privileges, franchises, or property of the corporation, except its corporate franchise.

This bill would require every telephone corporation, by May 1, 1984, to provide the commission with a report indicating those lines of business in which it is currently engaged and in which it intends to engage. The telephone corporation would also be required to include in the report information concerning the provision of telephone service and proposals concerning current and future business activities. The bill would declare the intention of the Legislature that this information does not bind the telephone corporation as an implied contract, and would require the commission to review these reports and, by August 1, 1984, to submit to the Legislature an analysis of these reports, including recommendations for future legislative action

Ch. 896 (AB 1559) Agnos. Boxing and wrestling.

Existing law requires a physician approved by the State Athletic Commission to be in attendance at every boxing contest or sparring or wrestling match. The law authorizes the referee of any contest or match to stop the contest or match in specified circumstances.

This bill would authorize the attending physician to stop a match or contest under the same circumstances as a referee and would provide that the physician's authority to stop a contest or match shall be limited specifically to medically related injury or the physical condition of a contestant.

Existing law requires referees to attend a clinic at which refereeing is discussed every 6 months as a condition for assignment.

This bill would require physicians as well as referees, as a condition of assignment, to attend every 6 months a clinic at which refereeing and the recognition and observation of serious life-threatening boxing related injuries, including neurological injuries, are discussed.

Ch. 897 (AB 1405) Molina. State park system.

(1) Under existing law, the Department of Parks and Recreation is directed to administer, protect, develop, and interpret the state park system and is authorized to exercise specified powers in that connection.

This bill would provide for the exercise of these powers in connection with the property under the department's jurisdiction, rather than the state park system. The bill would expressly provide that whenever any reference is made to the state park system with respect to a duty, power, purpose, responsibility, or jurisdiction that can be exercised or carried out within the state vehicular recreation area and trail system, it shall be deemed to also refer to the state vehicular recreation and trail system

This bill would also make rules and regulations adopted by the department applicable on any granted or ungranted tidelands or submerged lands abutting property of the department and used for recreational purposes by members of the general public in conjunction with their use of the department's property between the boundary of the lands under the jurisdiction of the department and a line running parallel to and 1,000 feet waterward of the ordinary high water mark, so long as the rule or regulation is not inconsistent with any rule or regulation of the public agency having jurisdiction over the tidelands and submerged lands.

(2) 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, 1986, the length of the term of any concession contract or approval within El Pueblo de Los Angeles State Historic Park in effect on the effective date of the bill, except that any contract extended would be required to be renegotiated, if necessary, to ensure that the rental rates on January 1, 1984, reflect current commercial rental market rates.

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

Ch. 898 (SB 262) Torres. Political Reform Act: campaign statements

Existing law requires all candidates and committees to file campaign statements on July 31 and January 31 if they have made or received contributions or made expenditures during the 6 calendar months before the closing date of the campaign statements.

Existing law further requires committees formed or existing primarily to support or oppose the qualification of a measure and proponents of a state measure to file campaign statements, as specified.

The bill would instead provide that proponents of a state measure who control a committee formed or existing primarily to support the qualification of a state measure shall file campaign statements.

Existing law defines "controlled committee" and requires verification of consolidated statements of candidates and controlled committees.

This bill would extend these requirements to the proponents of state measures.

Ch. 899 (AB 2162) Cortese. Public finance.

Existing law provides for the method of apportioning property tax revenues between local agencies and school entities. In determining the school entities' share of that apportionment for the 1979–80 fiscal year, counties were required to deduct "state assistance payments" allocated to local agencies within the county for the 1978–79 fiscal year from the aggregate amount of property tax revenue allocated, as specified, to all school entities within the county for the 1978–79 fiscal year. For fiscal years succeeding the 1979–80 fiscal year, the school entities' share was that amount determined as specified in the preceding sentence with certain modifications.

This bill would clarify the procedure for the computation of "state assistance payments" by counties.

This bill would take effect immediately as an urgency statute.

Ch. 900 (AB 531) Tucker. Medi-Cal overpayments

Existing law provides that, in response to findings of the State Department of Health Services under an audit or examination of payments to a provider of services under the Medi-Cal program, the provider may present any grievances or complaints under a specified administrative appeal process.

This bill would establish time limits for the issuance by the department of the first statement of account status or demand for payment pursuant to an audit or examination, for any informal conference, informal review, or impartial hearing subsequently conducted, and for any final decision prepared

Existing law provides that whenever it has been established that an overpayment has been made to a provider of services under the Medi-Cal program, the department may liquidate the overpayment prior to final administrative appeal, but shall not begin liquidation of the overpayment until 60 days after issuance of the first statement of accountability or demand for repayment after issuance of the audit or examination

report establishing the overpayment. If it is found on appeal that an overpayment was not made, the overpayment plus interest accruing from the date occurring 60 days after issuance of the first statement of accountability or demand for repayment after issuance of the audit or examination report alleging the overpayment shall be reimbursed to the provider.

This bill would limit application of these overpayment provisions only to institutional providers

Ch. 901 (AB 1757) Connelly Health care services: copayments.

Existing law provides for the Medi-Cal program, under which basic health care services are provided to qualified low-income recipients.

Existing law also provides authority and state funding for counties to provide health services to low-income persons and other individuals.

This bill would provide that as a clarification of and declarative of existing law, no copayment shall be required of a recipient of either necessary county medical services, as specified, or the Medi-Cal program, prior to the rendering of services, except as specified. This bill would also provide that it is not the intent of this act to affect any county's ability to implement a reasonable sliding scale fee schedule, as specified.

This bill would also require that designated health facilities provide individual and general notices, as specified, of the availability of reduced cost county health care 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 impose a state-mandated local program by requiring certain county health facilities to provide notices, as specified, regarding the availability of free or reduced cost county health care services.

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 902 (AB 1733) Connelly. Public social services: eligibility: resources

Existing law provides for the exemption of certain property from consideration in determining eligibility of an applicant for, or a recipient of, specified public social services programs. This property includes equipment and material necessary to an employment, rehabilitation, or self-care plan necessary to the employment of an applicant or recipient.

This bill would extend this exemption to include any tools of trade, equipment, or materials of reasonable value, as defined, that will assist in employment, rehabilitation, or self-care. This bill would provide that the county shall determine whether there are any physical barriers which render the individual incapable of returning to his or her occupation, trade, or profession.

Existing law places a limit of $1,000 on the combined value of real and personal property that may be retained by an applicant for, or recipient of, assistance under the Aid to Families with Dependent Children (AFDC) program except that he or she may retain, among other things, a home which may be a multiple-dwelling unit if certain conditions are met.

This bill would provide that real and personal property shall be considered when actually available and when the applicant or recipient has a legal interest in a liquidated sum and has the legal ability to make that sum available for support and maintenance.

This bill would also provide certain conditions under which a home might still be retained although a marital separation for the purpose of trial or legal separation or dissolution has occurred.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by requiring counties to revise eligibility standards for public assistance, and to provide public assistance to a broader class of recipients.

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. 903 (AB 518) Young. Unemployment compensation disability insurance. benefit amounts.

Existing law provides for worker contributions in accordance with a specified formula not to exceed 1% of wages, as defined, to the Disability Fund for the purpose of funding unemployment compensation disability benefits.

This bill would provide that, if by October 31, 1984, the director finds that the contribution rate for calendar year 1985 endangers the estimated 1985 and 1986 obligations of the Disability Fund, the director shall increase the contribution rate by an additional $\frac{1}{10}$ of 1% to protect the solvency of the fund.

Existing law provides a schedule of the weekly benefit amounts payable for unemployment compensation disability benefits based on the amount of wages paid in the highest quarter.

This bill would increase the maximum weekly benefit amount payable for unemployment compensation disability benefits.

This bill also provides that the increase is only effective for periods of disability commencing on or after January 1, 1984.

This bill also provides that the Employment Development Department shall conduct a study on the Unemployment Compensation disability insurance program and the disability insurance fund and report to specified legislative committees.

Ch. 904 (AB 465) Robinson. County Transportation Commission: Orange County: members.

(1) The County Transportation Commissions Act provides that the Orange County Transportation Commission is composed of 6 members, of whom 2 are appointed from and by the Orange County Board of Supervisors, 2 are appointed by the Orange County City Selection Committee, one of specified qualifications is appointed by the other 4 voting members, and one nonvoting member is appointed by the Governor.

This bill would impose a state-mandated local program by changing the membership of the Orange County Transportation Commission to 8 members, of whom 3 are appointed from and by the Orange County Board of Supervisors, to serve ex officio, 3 are appointed by the city selection committee, one member is appointed by the other 6 members, and one nonvoting member appointed by the Governor.

The bill would require each of the members appointed by the city selection committee to be a resident of a different supervisorial district and to be a mayor or city councilman serving within the county, to serve ex officio.

The bill would, additionally, require that the member appointed by the other 6 voting members not be a resident of a supervisorial district in which reside two other voting members.

The bill would require the appointments of members by the board of supervisors and the city selection committee to be made in a manner so that each of the 5 supervisorial districts in the county be represented by at least one supervisor or one mayor or city councilman

The bill would make other conforming 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) 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.

(4) The bill would become operative only if SB 693 of the 1983–84 Regular Session is chaptered and becomes operative, in which case, the bill would become operative on the operative date of SB 693.

Ch. 905 (SB 480) L. Greene. Welfare. records.

Existing law provides that, with specified exceptions, and only to the extent these exceptions are permitted by federal law, county welfare departments may not disclose confidential information pertaining to public social services programs for which funds are received from the federal government.

Existing law further provides that except as specified, records of county relief programs shall be confidential

This bill would authorize the disclosure to law enforcement agencies of specified information concerning any applicant for, or recipient of, public social services or relief who is subject to a warrant of arrest for the commission of a felony, or who is deceased.

This bill would limit the authority for obtaining this information, and require notice of any disclosure to the applicant or recipient under specified circumstances.

The bill would provide that a county welfare department shall notify applicants for or recipients of public social services or relief that release of confidential information of their records will not be protected should there be a felony arrest warrant issued against the applicant as specified.

This bill would specify that no general list identifying applicants or recipients could be released.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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, by providing for notification to applicants and recipients of actual or potential disclosure of information, create a state-mandated local program.

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. 906 (AB 1580) Klehs. Local government: salaries.

(1) Existing law does not prohibit a local agency from adopting an ordinance or policy which prohibits setting salaries for its employees on the basis of comparability of the value of the work, as defined.

This bill would prohibit a local agency from adopting, or continuing in effect, an ordinance or policy which prohibits consideration of comparability of the value of the work as a factor in salary negotiations. It would impose a state-mandated program by prohibiting a local agency which has such an ordinance or policy from continuing it in effect

(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. 907 (AB 55) Costa. Multifamily rental housing

(1) Under existing law, counties and cities and the California Housing Finance Agency have been authorized, among other things, to issue revenue bonds to finance multifamily rental housing for occupancy by families of low and moderate income. As a condition of providing the low-cost rentals, housing sponsors have been required to enter into regulatory agreements to reserve specified rental units for occupancy by lower income households on a priority basis for not less than 20 years. The entire authorization is scheduled to be repealed on January 1, 1984.

This bill would delay the repeal date from January 1, 1984, to January 1, 1986, and would delete the requirement for a regulatory agreement to reserve specified rental units for occupancy by lower income households on a priority basis for not less than 20 years and, instead, provide that the rental units be reserved for a period specified by federal law, and require the housing sponsor to accept recipients of federal certificates for rent subsidies, as specified, on the same basis as all other tenants. The bill would also authorize the county, city, or agency to make the change in the period rental units are required to be reserved applicable to any multifamily rental housing development financed by the issuance of bonds after September 3, 1982.

(2) Under the existing law relating to the above-described multifamily rental housing, any county or city which has issued bonds under the program is required to submit an annual report to the Governor, the Legislature, and the Department of Housing and Community Development. Although the program is optional with counties and cities in the first instance, the 2-year extension of the program proposed by this bill would be a state-mandated local program for any county or city which has already issued bonds to submit the prescribed reports for 2 additional years.

(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 take effect immediately as an urgency statute.

Ch. 908 (AB 454) Chacon. California Housing Finance Agency: bonding limitations.

(1) Existing law permits the California Housing Finance Agency to direct the Treasurer to invest moneys in the California Housing Finance Fund, as specified.

This bill would permit the agency to direct the Treasurer to invest those funds by entering into repurchase agreements or reverse repurchase agreements, as specified.

(2) Existing law authorizes the California Housing Finance Agency to issue revenue bonds in an amount not exceeding $1,850,000,000 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 $500,000,000 to a total of $2,350,000,000, exclusive of indebtedness incurred to refund or renew previously issued bonds of the agency.

Ch. 909 (AB 1959) Bane. Public employees' retirement systems: generally.

(1) The existing Public Employees' Retirement Law authorizes employment, with specified reductions in the disability retirement allowances, of employable persons who have retired for disability in a position other than that from which he or she retired or a position in the same member classification but does not define the term "member classification."

This bill would add such a definition.

(2) The law provides for refunds of employee contributions under specified conditions

This bill would authorize the refund to a member who has been on unpaid leave of absence for 6 months or more, as specified.

(3) A provision of the law whose application to contracting agencies is contingent upon their adopting it, authorizes retirement, with reduced allowances, of local safety members at age 50, under specified conditions.

This bill would impose a state-mandated local program by requiring application of that provision to all contracting agencies.

(4) The law presently permits retired persons to work 90 working days in any calendar year without loss of retirement benefits.

This bill would also permit such work for 720 hours in any calendar year.

(5) The Volunteer Firefighters Length of Service Award Act which will be repealed on January 1, 1985, does not provide for the distribution of assets upon the termination of the program

This bill would provide for such a distribution.

(6) Under existing statutes the Board of Administration of the Public Employees' Retirement System administers both the Legislators' Retirement Law and the Judges' Retirement Law.

This bill would require the board to also administer those laws in accordance with the Public Employees' Retirement Law, as specified.

(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.

Ch. 910 (AB 1508) Bader. Subdivision maps.

Under the Subdivision Map Act, if a city or county requires public improvements to be made as a condition to approval of a tentative map, the city or county is prohibited 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 the city or county may require the subdivider to 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 the city or county, within 90 days of the filing of the final map, is required to acquire, by negotiation or prescribed eminent domain proceedings, an interest in the land which will permit the improvements to be made. The condition for construction of offsite improvements is conclusively deemed to be waived in the event the city or county fails to meet the 90-day time limitation.

This bill would increase the present 90-day limitation to 120 days

Ch 911 (AB 1764) Costa. Local planning: court actions.

Existing law restricts the authority of a court to grant certain forms of relief in actions to challenge the validity of the general plan of a city or county and specifies the relief which may be granted by the court during the pendency of, or upon a determination of, any particular case.

This bill would prohibit a court from enjoining the development of any housing development during the pendency of any action brought to challenge the validity of the general plan or when issuing a final judgment finding that the general plan does not conform with the requirements of state law, if the housing development meets specified requirements.

Ch. 912 (AB 1701) Elder. Environmental quality: exemptions: Ports of Los Angeles and Long Beach and prison facilities.

Under the California Environmental Quality Act, lead public agencies, state and local,

are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration

This bill would exempt from the act, until January 1, 1986, specified projects of the Ports of Los Angeles and Long Beach and would exempt from the act, until January 1, 1990, specified changes at the new Folsom prison and the Southern Maximum Security Prison at Tehachapi.

Ch. 913 (SB 590) Robbins. Vehicles: removal and impoundment

(1) Existing law requires that (a) when a vehicle is impounded by a peace officer, public employee, or private property owner, (b) the person ordering the impoundment is unable to ascertain the owner of the vehicle, and (c) the vehicle is not returned to the owner within 120 hours, that the person ordering the impoundment either send, or cause to be sent, a written report to the Department of Justice and also file a copy of the report with any public garage in which the vehicle could have been stored. The department, upon receiving the notice, is required to undertake to notify the owner of the vehicle, as specified.

This bill would require peace officers and public employees removing a vehicle from a highway or public property, to immediately notify the Stolen Vehicle System of the Department of Justice. In the case of a vehicle registered in California, no further notice would be required to be given to the department, but as to vehicles not registered in California, a further report would be required if the vehicle is not returned to the owner within 120 hours. No change would be made in the existing notice requirements with respect to vehicles removed from private property.

(2) Under existing law, an unattended vehicle may, in general, be removed from private property by the owner or person in lawful possession of the property if, prior to causing removal of the vehicle, a specified sign was posted at all entrances to the property prohibiting public parking, indicating that vehicles will be removed at the vehicle owner's expense, and containing the telephone number of the local law enforcement agency.

This bill would delete the requirement of posting a sign or signs as a condition to removing a vehicle from a lot or parcel improved with a single family dwelling.

(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 impose a state-mandated local program by requiring local peace officers and public employees removing a foreign registered vehicle from a highway or public property to give an additional notification to the Department of Justice.

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. 914 (AB 1379) Elder Joint exercise of powers: revenue bonds: intermodal container transfer facility.

Under existing law, an agency, commission, or board, provided for by a joint powers agreement between cities in a county of 4,000,000 or more population, for the purpose of acquiring, constructing, operating and administering an intermodal container transfer facility, may issue revenue bonds for those purposes With respect to bonds issued for such purposes, only those revenues derived from the lease or operation of the facility may be used to pay the principal and interest on the bonds

This bill would remove this restriction on the sources of revenues for the retirement

of those bonds Additionally, it would authorize the issuance of notes for preliminary costs incurred prior to undertaking the project, would authorize the bonds to be sold at less than par value if such sale will result in more favorable terms for the bonds, and would authorize the bonds to be sold on such terms as are approved by the governing body if it determines that a negotiated sale is necessary

Ch 915 (AB 1615) Clute Schools makeup classes

Existing law defines a school month generally as 20 days or 4 weeks of 5 days each, including legal holidays

This bill would exclude from this definition weekend makeup classes conducted pursuant to a specified statutory provision

Existing law authorizes the governing board of a school district to maintain certain classes on Saturday or Sunday, or both, and provides that attendance at these classes shall not result in the crediting of more than 5 days' attendance for the pupil per week

This bill would add makeup classes to the list of permissible weekend classes

Existing law also makes attendance at these weekend classes optional at the election of the pupil or the parent if the pupil is a minor

This bill would allow governing boards to require the attendance of truants at these weekend classes.

Ch 916 (SB 155) Carpenter Private Investigator Act

Existing law does not require the Director of Consumer Affairs to furnish a copy of the Private Investigator Act to anyone

This bill would require the director to furnish a copy of that law and rules and regulations applying to that law to every licensed business governed under that law at least once every 2 years, without charge The bill would authorize a fee to be charged for any additional copies or for copies furnished to any other person

Existing law does not provide for the issuance of a private investigator license to a person licensed in another state

This bill would authorize the issuance of a provisional private investigator license to a person licensed as a private investigator in another state

Existing law defines a private investigator for purposes of the Private Investigator Act and provides the term does not apply to a theater exhibition business or its employees

This bill would delete the exemption for the theater exhibition business and its employees.

Existing law exempts from the provisions of the Private Investigator Act the legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage

This bill would delete that exemption and would add exemptions from that act for a licensed insurance adjuster in performing his or her duties within the scope of his or her license as an insurance adjuster, any savings and loan association subject to the jurisdiction of the Savings and Loan Commissioner or the Federal Home Loan Bank Board, and any secured creditor engaged in the repossession of collateral and any lessor engaged in the repossession of leased property in which it claims an interest

Existing law 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 The law provides 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 one year, or by both fine and imprisonment The law also provides for the gathering of evidence of violations of these provisions and the prosecution of violators, as specified

This bill would impose a $1,000 fine or imprisonment in the county jail not to exceed one year or both on a person who violates any provision of the Private Investigator Act relating to private investigator licensure and would impose a $500 fine or imprisonment in the county jail not to exceed one year or both on a person who violates any provision of the Private Investigator Act relating to private patrol operator licensure, and would increase the fine to $1,000 for engaging in the business of a private investigator, private patrol operator, or protection dog operator without a license It would make it unlawful for persons to hold themselves out as being licensed in any of the above-mentioned

businesses, as specified, and would prohibit a person from being licensed for at least one year after conviction for any violation of the Private Investigator Act The bill would authorize the issuance of an injunction or restraining order for acts in violation of the act and would authorize the issuance of an order for restitution in specified instances.

Existing law specifies the contents of an application for a license issued pursuant to the Private Investigator Ac

This bill would revise the contents of those applications

Existing law requires an applicant for a license as a private investigator to have had at least 2 years' experience in investigation work, as specified

This bill would increase the experience requirement generally to 3 years, would specify that a year's experience is to consist of not less than 2,000 hours of actual compensated work and would provide that an applicant who possesses a law degree or who has completed a 4-year course in police science, criminal justice, criminal law, or the equivalent thereof need have only 2 years' required experience

Existing law provides that when an individual upon whose qualifications a license was issued pursuant to the Private Investigator Act ceases to be connected with the licensee, the business may be carried on for a temporary period under terms and conditions established by the Director of Consumer Affairs

This bill would require that application for permission to carry on the business be made within 90 days after the cessation and would make provision for the carrying on of a business in the case of the death of a person licensed as an individual

Existing law provides that the form and content of a license issued pursuant to the Private Investigator Act is to be determined by the Director of Consumer Affairs

This bill would transfer that duty to the Chief of the Bureau of Collection and Investigative Services and would require the chief to issue a "Certificate of Licensure" to any licensee upon request and the payment of a specified fee

Existing law requires that a pocket identification card be issued upon the issuance of a license pursuant to the Private Investigator Act

This bill would require that card to contain the signature of the licensee and the chief of the bureau and a photograph of the licensee or the bearer of the card, among other things.

Existing law prohibits a licensee of the Private Investigator Act from using an alias in connection with the official activities of the licensee's business and from appearing as an assignee party in any proceeding involving claims and delivery, or other possessory action, foreclosure actions and lien actions, as specified

This bill would delete the above prohibitions and would prohibit the use of any identification indicating licensure as private investigator other than the official identification card issued by the Bureau of Collection and Investigative Services, and the use of a fictitious name in connection with the official activities of the licensee's business.

This bill would make conforming changes, as specified, only if SB 723 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

This bill would mandate a new program or higher level of service on local government by creating new crimes

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 917 (SB 508) Ellis Transportation funding

Under existing law, the California Transportation Commission allocates funds appropriated by the Legislature for transportation projects to, among others, metropolitan transit development boards for exclusive public mass transit guideway purposes, except that the commission is prohibited, except in emergencies, from allocating funds for major projects that are not included in the state transportation improvement program

This bill would require the Department of Transportation to advance funds to a

metropolitan transit development board for a guideway project when all of the specified conditions exist. The bill would require, if, upon completion of the project, the advance, together with specified interest on the advance, exceeds that portion of the actual reimbursable costs for which the metropolitan transit development board has not been reimbursed, that the metropolitan transit development board repay the excess to the state for deposit in the account from which the advance was made.

Ch. 918 (SB 688) Foran Surplus residential property replacement dwelling

Existing law requires any agency of the state disposing of surplus residential property to do so in accordance with specified priorities and procedures It provides that when single-family residences are offered to their present occupants at less than fair market value, the selling agency shall impose conditions assuring the housing will remain available to low- and moderate-income households, and requires the selling agency to make repairs required by lenders and government housing assistance programs.

This bill would authorize the selling agency, at its option, to instead provide the present occupants with a replacement dwelling, to accommodate the present occupants under specified conditions

Ch 919 (SB 1144) Speraw Oil and gas wells. reabandonment.

Under existing law, the State Oil and Gas Supervisor is authorized to order inspection or tests, abandonment, reabandonment, or other operations on hazardous and certain idle-deserted oil and gas wells.

This bill would authorize the supervisor to order the reabandonment of any previously abandoned well when the future construction of any structure over or in the proximity of the well could result in a hazard. The cost of the reabandonment operations would be the responsibility of the owner of the property upon which the structure will be located The bill would not preclude application of provisions relating to hazardous wells and idle-deserted wells

Ch 920 (AB 1921) Moorhead. Training and employment for older Californians

Existing law does not specifically provide for training and employment programs for older Californians

This bill would enact the Training and Employment Programs for Older Californians Act of 1983, would specify the findings and declarations of the Legislature in enacting that act, and would declare the intent of the Legislature that services and activities be provided pursuant to the federal Job Training Partnership Act

This bill would also specify the types of programs and services which may be considered, and would specify conditions for program funding

Ch. 921 (SB 892) L Greene. Local agencies fees. trust account

(1) Existing law permits local agencies to require the payment of fees in order to provide improvements to serve a residential development

This bill would impose a state-mandated local program by requiring any local agency, as defined, which requires the payment of a fee in order to provide an improvement to be constructed to serve a residential development, as a condition to approving the development, to deposit it with the other fees for the improvement in a separate account fund to avoid any commingling of those fees with other revenues and funds of the local agency, except for temporary investments It would additionally require the local agency to expend those fees only for the purpose for which the fee was collected. The bill would require that any interest income earned on the fund be deposited in that account and expended only for the purpose for which the fee was originally collected, except that this requirement would not apply to the interest earned on specified imposed fees for park or recreation purposes until January 1, 1985

(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 922 (SB 679) Seymour. Special education. developmental disabilities

(1) Existing law provides for special education programs for individuals with exceptional needs residing in state hospitals Under existing law, the State Departments of Mental Health and Developmental Disabilities are not precluded from contracting with a local public education agency, with a nonpublic, nonsectarian school, or with another agency to provide special education and related services on the state hospital grounds for those pupils whose individualized education programs do not indicate that the education and services should otherwise be provided This provision would be repealed July 1, 1983

This bill would reenact this section, and would prohibit a contract from involving funds appropriated for purposes of community-based special education programs provided for state hospital pupils

(2) Existing law requires the State Departments of Developmental Services and Mental Health to complete a quarterly review of the impact that implementation of the special education programs for individuals residing in state hospitals will have in reducing the need for positions in state hospitals due to time spent by residents in community education programs

This bill would instead require an annual report

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

Ch 923 (SB 868) Dedeh. Public employees' retirement systems

The Public Employees' Retirement Law and the County Employees Retirement Law of 1937 establish retirement funds, designate them as trust funds, require them to be administered solely for the benefit of members and retired members and their survivors and beneficiaries, and provide for expenditures therefrom

This bill would specify that no funds in the retirement funds shall be expended for any purpose other than the cost or expense of administration of the systems, investments for the benefit of the system, and the provision of benefits to members and retired members and their survivors and beneficiaries

The Public Employees' Retirement Law presently prescribes as one of the categories of employees who may be included within local safety membership by contracting agencies, county peace officers

This bill would permit contracting agencies to include, as specified, within the county peace officer category, certain persons who were employed by a county juvenile probation department for more than 25 years in various classifications, as specified This authorization would be repealed January 1, 1985 This new authorization would impose state-mandated local program costs since its exercise would be subject to negotiation under existing law relating to public employer-employee relations

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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. 924 (SB 1059) Mello Open-space lands

(1) Existing law authorizes the Secretary of the Resources Agency to establish rules and regulations, require reports from local officials, and employ, borrow, or contract for the staff or other forms of assistance necessary to carry out specified provisions of law relating to open-space subventions payable to counties and cities

This bill would, instead, authorize the Director of Conservation to perform those functions in order to carry out those provisions and other provisions which require that the Department of Conservation collect or acquire information on the amount of land converted to or from agricultural use during the preceding year and prepare, update, and maintain Important Farmland Series maps, as defined

(2) Existing law requires the Department of Conservation to annually report to the Legislature information on the amount of land converted to or from agricultural use in the previous fiscal year, by category of agricultural land, as defined

Existing law also requires the department to report on the nonagricultural uses to

which agricultural lands were converted

This bill would revise this reporting requirement to additionally include nonagricultural uses to which agricultural lands were committed

This bill would also revise the meaning of the terms, "category of agricultural land," and "amount of land converted from agricultural use" for those purposes

(3) Existing law defines "Important Farmland Series maps" as those maps compiled by the United States Soil Conservation Service and updated and modified by the Department of Conservation

This bill would declare the Legislature's finding that the purpose of these maps is not to consider the economic viability of agricultural lands in the general plan but, rather, is limited to preparation of an inventory of agricultural lands, as defined, as well as land already committed for future urban or other nonagricultural purposes

Ch. 925 (SB 978) Lockyer Drugs

Existing law requires records of the manufacture, sale, purchase, or disposition of dangerous drugs to be open for inspection and preserved for at least 3 years and requires a current inventory of drugs to be maintained by various licensees and persons who maintain a stock of dangerous drugs

This bill would provide that the owner, officer, and partner of any pharmacy shall be jointly responsible with the pharmacist-in-charge, for maintaining those records and inventory The bill would also require all licensed wholesalers and manufacturers to report to the board sales of dangerous drugs and controlled substances subject to abuse.

Existing law requires every place, as specified, for the sale, dispensing or compounding of drugs or chemicals, or for the dispensing of prescriptions of medical practitioners, to be in charge of a registered pharmacist

This bill would require every pharmacy to designate a pharmacist-in-charge and prescribes that pharmacist's responsibilities. The bill would make it a misdemeanor for any nonpharmacist owner to commit any act which would subvert or tend to subvert the efforts of the pharmacist-in-charge to comply with specified laws. The bill would provide that the pharmacist-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee, as specified, of which the pharmacist-in-charge had no knowledge or in which he or she did not knowingly participate

Existing law does not authorize the Board of Pharmacy to charge a licensee of the board for costs involved in the investigation or prosecution of any alleged violation of laws relating to drugs.

This bill would authorize the board to request an administrative law judge to direct a licensee found guilty of a charge involving a significant violation of specified provisions to pay to the board a sum not to exceed $25,000 for the board's cost of investigating and prosecuting the case.

Existing law specifies the maximum fees which may be charged for licensees of the Pharmacy Law

This bill would revise those fees, would increase the maximum fees and would add fees for processing and inspecting remodeled pharmacies, for regrading an examination, for an applicant for a clinic permit, and for an intern license.

Existing law authorizes the Board of Pharmacy to issue a customs broker's license which authorizes the transfer of controlled substances to specified licensed persons.

This bill would delete those provisions relating to customs brokers

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 mandate a new program or higher level of service on local government by creating new crimes.

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 for specified reasons

Ch. 926 (SB 428) Nielsen Colusa County flood control and water conservation.

(1) Under existing law, there is no special flood control and water conservation act for Colusa County

This bill would enact the Colusa County Flood Control and Water Conservation District Act which would create the Colusa County Flood Control and Water Conservation District to provide for countywide water conservation, development of water resources, and control of drainage, storm, flood, and other waters 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

This bill would impose a state-mandated local program by imposing various duties upon the Board of Supervisors of Colusa County and other county officers and by requiring the district bene it assessment to be levied, collected, and enforced at the same time and in the same manner as county taxes

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

Ch 927 (AB 2151) Chacon School districts sale or lease of surplus real property for housing. Madera Unified School District facilities

(1) Existing 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 exempt the Madera Unified Training Center in the Madera Unified School District from the Field Act until June 30, 1985

(2) Existing law permits the governing board of a school district to sell, exchange, or lease surplus school property belonging to the district to another public agency at less than fair market value if, among other things, the board has adopted a resolution authorizing the transaction and prescribing its terms by the unanimous vote of all the members of the board.

Notwithstanding that requirement, this bill would provide that the adoption of a resolution authorizing the sale or lease of surplus school property belonging to the district to another public agency for use for housing for persons and families of low and moderate income, at least 20% of which is restricted to lower income households, shall require only a majority vote of all the members of the board

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

Ch. 928 (AB 1856) Young Marriage counselors and educational psychologists.

Existing law generally regulates the licensing and professional activities of both marriage, family and child counselors and educational psychologists, as defined, under provisions of the Business and Professions Code dealing with general business regulations

This bill would remove these provisions to Division 2 of the Business and Professions Code, which concerns healing arts and make related changes. As a result, among other things, this bill would provide that marriage, family and child counselors and educational psychologists may not offer rebates as an inducement for referring clients to another person, disseminate deceptive advertising or disseminate an advertisement containing information other than that permitted by statute and bill clients for any clinical laboratory service not actually rendered by the service, all as specified Violation of these provisions constitutes a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, by a fine not exceeding $2,500, or by both

Existing law provides that a marriage, family, and child counselor who has not renewed his or her license within 5 years after its expiration may renew the license if, among other things, the person pays all the fees that would be required if the person were then applying for a license for the first time

This bill would require that person to also pass the licensing examinations

Existing law requires an applicant for a license as a marriage, family and child counselor to have certain qualifications, including, among other things, having at least 2 years experience, as specified, under the supervision of a licensed marriage, family and child counselor, licensed clinical social worker, licensed psychologist, or licensed physician

certified in psychiatry

This bill would require any person supervising another pursuant to that provision to have been licensed or certified for at least 2 years prior to acting as a supervisor

This bill would incorporate changes in Section 1373 of the Health and Safety Code made by SB 940 to be operative only if this bill is chaptered after SB 940

The bill would make other 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.

This bill would mandate a new program or higher level of service on local government by creating new crimes

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

Ch. 929 (SB 368) Rosenthal State Board of Pharmacy

Existing law provides that the State Board of Pharmacy is to consist of 10 members, 7 of whom are to be registered pharmacists, and requires the board to elect a president, vice president, an executive secretary and a treasurer

This bill would require at least 5 of the 7 pharmacist members to be active practicing pharmacists, require that there be at least one pharmacist representative each from an acute care hospital, a community pharmacy and a long-term care or skilled nursing facility and require that the officers of the board to be elected by a majority of the membership of the board

It would also require the first board vacancy after January 1, 1984, to be filled by a pharmacist representative of a long-term care facility or skilled nursing facility Subsequent vacancies would be required to be filled in a manner to ensure that there are pharmacists representative of an acute care hospital, community pharmacy and long-term care or skilled nursing facility on the board

Existing law provides that 5 members of the board constitute a quorum

This bill would provide that 6 members constitute a quorum

Ch. 930 (SB 184) Marks Discrimination redevelopment projects renewal areas

(1) Under existing law, community redevelopment agencies are required to obligate lessees and purchasers of real property acquired in a redevelopment project, and owners of property improved as part of the redevelopment project, from discriminating on the basis of race, color, religion, sex, marital status, ancestry, or national origin with respect to the rental, lease, or sale of such property. Under existing law, express provisions prohibiting discrimination or segregation on account of race, color, creed, religion, sex, marital status, national origin, or ancestry must be included in all deeds, leases, and contracts which a redevelopment agency enters into in connection with land in a redevelopment project.

Under existing law, all property of renewal area agencies and property of persons participating in or deriving any benefit from rebuilding or rehabilitation of the renewal area are required to be sold, transferred, leased, purchased, acquired, administered, and managed without discrimination on account of race, color, creed, religion, sex, marital status, ancestry, or national origin

This bill would provide that a legislative body of the City and County of San Francisco which, by ordinance, prohibits discrimination on the basis of sexual orientation may require a redevelopment agency or renewal agency to prohibit discrimination on the basis of sexual orientation.

(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 impose a state-mandated local program by permitting a legislative body to require redevelopment agencies to insert a provision in its deeds, leases and

contracts to prohibit discrimination or segregation on the basis of sexual orientation.

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 for a specified reason

Ch 931 (SB 1121) Keene Controlled substances

Existing law provides for the seizure and disposition of controlled substances, as specified.

This bill would provide that the expenses of seizing, eradicating, or destroying any controlled substance or its precursors shall be recoverable in an action brought by the district attorney, county counsel, or city attorney from any person who manufactures, cultivates, or aids and abets or knowingly profits from the manufacture or cultivation of it in violation of existing law It would not be necessary to seek or obtain a criminal conviction prior to the entry of judgment for recovery of expenses, but an action to recover expenses may be continued while criminal charges are pending

In lieu of the civil action for recovery of expenses, the prosecuting attorney in these cases would be authorized to seek the recovery of all expenses upon conviction of the underlying offense The trier of fact would be required to make an award of expenses, if proven, which would be enforceable as any civil judgment. The court would have the option of ordering payment of the expenses as a condition of probation

The bill would add civil procedures to carry out its provisions.

Ch. 932 (AB 331) O'Connell Victims of crime.

(1) Existing law generally provides that the victim of any crime has the right to attend all sentencing proceedings and shall be given adequate notice by the probation officer of all sentencing proceedings concerning the person who committed the crime

This bill would impose a state-mandated local program by requiring the probation officer, in providing this notice, to also provide the victim with information concerning the victim's right to civil recovery against the defendant and the victim's opportunity to be compensated from the Restitution Fund The bill would further provide that the information shall be in the form of written material prepared by the Judicial Council and shall be provided to each victim for whom the probation officer has a current mailing address

(2) Existing law provides that a probation officer shall include various items in the probation report, including a recommendation whether the court shall require as a condition of probation, restitution to the victim or the Indemnity Fund if assistance has been granted to the victim

This bill would impose a state-mandated local program by requiring the probation officer to make an investigation and findings concerning the imposition of a restitution fine for a defendant not eligible for probation and to make a recommendation whether the court shall require as a condition of probation, restitution to the victim or the Restitution Fund.

(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 it is part of the Crime Victim Restitution Program of 1983

(5) This bill also makes additional changes proposed by SB 76, to be operative only if SB 76 and this bill are both chaptered and become effective on January 1, 1984, and this bill is chaptered after SB 76

Ch 933 (SB 835) Doolittle Computers.

Existing law provides that the original of a writing is the best evidence of the content of the writing

This bill would authorize admission of the printed representation of certain computer information or programs, as specified, to prove the existence and content of the informa-

tion or program

Existing law prohibits the theft of trade secrets and defines a trade secret as specified information which is secret and when used would give one who uses the information an advantage over competitors

This bill would include within the definition of a trade secret certain computer programs and information

Existing law lists specific items which constitute articles which represent a trade secret

This bill would include within that list a tangible representation of computer programs or information including both human and computer readable information and information while in transit

Existing law provides that one who, among other things, steals, takes, or carries away any article representing a trade secret is guilty of theft.

This bill would provide that one who steals, takes, carries away, or uses without authorization a trade secret, is guilty of theft

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 impose a state-mandated local program by expanding the scope of the existing crime of theft of trade secrets

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 1485 to be operative only if this bill and AB 1485 are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last

Ch 934 (AB 624) Moorhead Driver's licenses juveniles revocation. driving under the influence.

(1) Under existing law, the driving privilege of a person convicted of driving under the influence of an alcoholic beverage or drugs or both, or with an excessive blood alcohol concentration, or when addicted is required to be restricted, suspended, or revoked for specified periods varying from 90 days to 5 years depending upon the number of prior convictions within 5 years and probation conditions granted by the court

This bill would, notwithstanding those provisions, except as specified, require the Department of Motor Vehicles to revoke the driving privilege of a person convicted of a violation of those offenses while under 18 years of age or found by a juvenile court to have violated them The term of revocation would be until the person reaches 18 years of age, one year, or the period specified for restriction, revocation, or suspension under specified existing law, whichever is longer The bill would also require the person to give proof of ability to respond in damages, as specified, before reinstatement of the driving privilege

(2) Under existing law, the department is required to suspend or revoke a person's driving privilege upon receipt of a duly certified abstract of the record of a court showing the person has been convicted of a violation of the prohibition against driving when under the influence of an alcoholic beverage, any drug, or a combination thereof, with an excessive blood alcohol concentration, or when addicted.

This bill would also require the department to suspend or revoke a person's driving privilege upon a finding of a commission of an out-of-state offense by specified juvenile court officers if the offense would have been a violation of the above prohibition if committed in this state

(3) Under existing law, a person under 18 years of age may be issued a driver's license If the juvenile is arrested for a traffic offense, the offense is subject to adjudication under the juvenile court law Also, under existing law, the clerk of a court, or the judge if there is no clerk, is required to prepare and transmit to the department an abstract of the record of the court in which a person is convicted of a violation of the Vehicle Code.

This bill would specifically require an adjudication that a juvenile violated the prohibition against driving under the influence, with excessive blood alcohol concentration, or

when addicted, under the uvenile court law shall be reported to the department, as specified.

Ch 935 (AB 369) Wright. Motor vehicle· speed contests.

(1) Under present law, it is a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine not exceeding $250, or by both, for any person to engage in a motor vehicle speed contest on a highway

This bill would revise the penalties for that offense to make it punishable by imprisonment in the county jail for not less than 24 hours nor more than 90 days, or by a fine of not less than $355 nor more than $500, or by both. For a second offense within 5 years of a prior offense, the penalty would be increased to imprisonment in the county jail for not less than 4 days nor more than six months and by a fine of not less than $500 nor more than $1,000. Also, the court could impound a vehicle used in a speed contest from 1 to 30 days if registered to the convicted offender. The bill would expressly provide that the sentencing requirements do not interfere with the court's power to grant probation in a suitable case The bill would expressly require any person convicted of a second offense within 5 years of a prior offense, if granted probation, to be imprisoned for at least 48 hours

(2) This bill would amend Section 23109 of the Vehicle Code to incorporate the changes proposed by both this bill and SB 319, if both bills are enacted and become effective January 1, 1984, and this bill is enacted last

(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 impose a state-mandated local program by increasing the penalty for an existing crime

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

Ch. 936 (SB 415) Carpenter Youth Authority

Existing law authorizes a court to retain jurisdiction over any person who is found to be a ward or dependent child of the juvenile court until the ward or dependent child attains the age of 21, unless that person is found by the court to be a person committed to the Department of the Youth Authority by a juvenile court on the basis of the commission of one of specified crimes, in which case the court may retain jurisdiction until that person reaches the age of 25 years

This bill would additionally authorize the court to retain jurisdiction over any person coming within the jurisdiction of the juvenile court on the basis of the commission of any one of those specified crimes who has been confined in a state hospital or other appropriate public or private health facility, as prescribed, until that person has attained the age of 25 years.

Existing law does not provide that moneys received pursuant to the Social Security Act by a ward who is incarcerated by the Youth Authority are liable for the reasonable costs of the ward's support and maintenance

This bill would so provide

Ch. 937 (SB 456) Roberti Crimes: punishment

(1) Under existing law, the crime of manslaughter is defined to include the unlawful killing of a human being without malice, and is classified as voluntary, involuntary, or in the driving of a vehicle, both with or without gross negligence Manslaughter in the driving of a vehicle is commonly referred to as vehicular manslaughter.

This bill would redefine manslaughter in the driving of a vehicle as vehicular manslaughter and separately classify vehicular manslaughter with or without gross negligence and, additionally, with or without the driving being in violation of the prohibition against driving when under the influence of an alcoholic beverage, a drug, or a combination thereof, with excessive blood alcohol, or when addicted The bill would also prescribe greater penalties for a conviction of vehicular manslaughter when driving under the influence, with excessive blood alcohol, or when addicted

The bill would also make a conviction of vehicular manslaughter while also violating the prohibition against driving when under the influence, with excessive blood alcohol, or when addicted the same as a conviction of that second offense for purposes of suspension or revocation of the driver's license and would make such a conviction a prior offense for purposes of penalty enhancement in subsequent offenses under specified provisions of the Vehicle Code

(2) Under existing law, the crime of involuntary manslaughter in the driving of a vehicle with gross negligence is punishable by either imprisonment in the county jail for not more than one year or in the state prison for 16 months or for 2 or 3 years.

This bill would revise the punishment for the above crime with respect to vehicular manslaughter, as specified

(3) Existing law makes it a crime to drive a vehicle when under the influence of an alcoholic beverage, a drug, or a combination thereof, or with excessive blood alcohol and, when so driving, to do any act forbidden by law or neglect any duty imposed by law in the driving of the vehicle, which act or neglect causes death or bodily injury to any person other than the driver

This bill would remove the causing of death from the definition of that crime

The bill would also incorporate changes proposed by this bill and AB 236 to become effecive on January 1, 1984, if this bill and AB 236 are both 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

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

Ch 938 (AB 493) Robinson Civil actions

Existing law provides that the trial of a civil action for damages for personal injury caused by the defendant during the commission of a felony for which the defendant has been convicted is entitled to preference over other civil actions

The bill would give priority to any civil action against a defendant for any damages caused during the commission of a felony for which the defendant has been convicted

This bill would provide that unless otherwise specified, the time for commencement of such an action is within one year after judgment is pronounced. If the sentence or judgment is stayed the time for commencement of the action shall be tolled until the stay is lifted The bill would further allow a court to award reasonable attorney fees based on the action

Existing law prescribes the filing fee for the first paper in a civil action

This bill would provide for the waiver of such fees for any paper filed in an action for damages against a defendant based on the defendant's commission of a felony, as specified

This bill would incorporate additional changes to Sections 26820 4 and 72055 of the Government Code proposed by AB 99, contingent upon the prior chaptering of AB 99

The bill would provide that it is a part of the Crime Victim Restitution Program of 1983

This bill would take effect immediately as an urgency statute

Ch 939 (AB 1387) Herger Juveniles

Existing law provides that whenever a juvenile case is transferred from one county to another, as prescribed, all original papers contained in the file are transferred to that county where the person resides

This bill would instead authorize a certified copy of the file to be forwarded to the county where the person resides The bill would further require that the original court file remain in the files of the transferring county

Under existing law, if a minor is found to be a person who comes within the jurisdiction of the juvenile court on the basis of criminal conduct, the court is required to hear evidence on the proper disposition to be made on the minor, including receiving in evidence the social study of the minor made by the probation officer which is to include

a statement from the victim concerning the offense.

This bill would require the probation officer to provide the victim with information concerning the victim's right to an action for civil damages against the minor and his or her parents and the victim's opportunity to be compensated from the restitution fund, as prescribed.

The bill would mandate a new program or higher level of service on local governments by imposing new duties on the county 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.

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

Ch 940 (AB 1087) Nolan Restitution for crimes.

Existing law provides, for a minor found to be a person within the jurisdiction of the juvenile law for violation of any law other than a curfew ordinance, 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 the minor to perform specified community service unless it makes a finding and states on the record that such a condition would be inappropriate.

This bill would revise these provisions to require that restitution may be found inappropriate only for compelling and extraordinary reasons and that if restitution is found inappropriate, community service may be found inappropriate only for compelling and extraordinary reasons

This bill would define "restitution", would provide for the imposition of a specified restitution fine, and would provide for payment of the fine, 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 for an increased level of service by the county probation officer by requiring additional restitution payments

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

Ch. 941 (AB 236) Sher Crime.

Under existing law, voluntary manslaughter is punishable by imprisonment in the state prison for 2, 4, or 6 years

This bill would increase the prison term to 3, 6, or 11 years

The bill would also incorporate certain amendments to Section 193 of the Penal Code, relating to vehicular manslaughter, proposed by SB 456, to become operative if both bills are chaptered and this bill is chaptered last.

Ch 942 (SB 710) Presley Testimony

Existing law provides that the people may apply for an order that the testimony of a victim of certain sexually related crimes who is 15 years old or younger given at the preliminary hearing 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 is required to be made 3 days prior to the preliminary hearing.

This bill would make a videotape subject to a protective order, and would require the videotape to be made available to certain persons, thereby imposing a state-mandated local program

The bill would also provide for destruction of the videotape, 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. 943 (AB 1842) Baker. Community correctional centers

Existing law provides that the Director of Corrections may transfer inmates whose terms of imprisonment have been fixed from the state prisons and facilities of the Department of Corrections to community correctional centers, and place parolees in the community correctional centers The director is also authorized to provide for work furlough programs for specified inmates for a limited period of time prior to release into society

This bill would authorize the director to charge the resident reasonable fees, based on ability to pay, for room, board and so much of the costs of administration as are allocable to such resident The director would also be authorized to charge those fees for an inmate in a work furlough program based on the ability to pay.

Ch 944 (AB 33) Bane Harmful substances

Existing law contains various prohibitions with respect to the misuse of poisons and other substances and adulteration of drugs and medicines, including willfully mingling any harmful substance with any food, drink, or medicine with intent to injure, or poisoning any spring, well or reservoir of water The latter crimes are punishable by imprisonment in the state prison for 2, 3, or 4 years

This bill would recast the provisions relative to the mingling of any harmful substance with any food, drink, or medicine, or poisoning any spring, well or reservoir of water, so that the willful mingling of any poison or harmful substance with any food, drink, medicine, or pharmaceutical product or any spring, well or reservoir of water, as specified, would be a felony punishable by imprisonment in the state prison for 2, 3, or 4 years except as specified Any violation of this provision involving the use of a poison or harmful substance which may cause death if ingested or which causes the infliction of great bodily injury on any person would be punished by an additional term of 3 years

The bill would also prohibit the making of false reports relative to the above

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 mandate a new program or higher level of service in local government by expanding the scope of an existing crime

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. 945 (AB 229) Young. State hospitals Atascadero State Hospital

Current law designates certain state hospitals for the care, treatment, and education of the mentally disordered, including Atascadero State Hospital

This bill would prohibit the transfer of patients from Atascadero State Hospital to lower security state hospitals unless the State Department of Mental Health performs an assessment of the risk of escape and dangerousness of that person and determines, based on that assessment, that a patient can be treated at a lower security facility without danger to the public. The bill would require the department to forward a copy of the patient's assessment to the local mental health director of the area where the lower security state hospital is located for review, and would permit the director to comment on the assessment

This bill would take effect immediately as an urgency statute

Ch 946 (AB 982) Bergeson Chemicals destruction.

Existing law provides that at any time after seizure by a law enforcement agency of a suspected controlled substance, that amount in excess of 10 pounds in gross weight may

be destroyed without a court order by the chief of the law enforcement agency or a designated subordinate, provided destruction of the controlled substance, and notice thereof to a court, takes place as specified.

This bill would provide, in addition, a procedure for the disposal by a law enforcement agency of a suspected hazardous chemical, as defined, which is believed to have been used or intended to have been used in the unlawful manufacture of controlled substances, and a procedure for the destruction by a law enforcement agency of phencyclidine or an analog thereof

This bill would provide, with respect to the disposal of hazardous chemicals, that the law enforcement agency involved shall maintain records, as specified, and shall comply with, among others, state law relating to hazardous waste control. The bill, by imposing these duties, would impose a state-mandated local 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

Ch 947 (SB 394) Boatwright Criminal proceedings.

Existing law provides that in a criminal action, a municipal or justice court shall order a change of venue on the defendant's motion upon a reasonable likelihood that a fair and impartial trial cannot be had in the county; or on its own motion or motion by any party when it appears that it will be impossible to secure a jury

This bill would provide that an order for change of venue shall be for the trial itself, and all proceedings before trial shall occur in the judicial district of original venue, with specified exceptions

Existing law provides that where the court orders a change of venue to another county, the court shall direct the sheriff to deliver the defendant to the custody of the sheriff of the other county

This bill would specify that such transfer of custody is for purposes of trial, and would authorize the court to set aside an order to change venue on the ground that the conditions which originally required the order no longer apply, as specified

Ch. 948 (SB 532) Maddy Controlled substances seizure and forfeiture

Existing law provides for a procedure for the seizure and forfeiture to the state of vehicles, boats, or airplanes which are or intended to be (1) used to unlawfully transport for sale any controlled substance, (2) furnished in exchange for a controlled substance in violation of specified provisions involving unlawful sale or possession for sale of controlled substances, or (3) used as an instrument to facilitate the unlawful possession for sale or sale of specified controlled substances, as specified.

This bill would revise and recast provisions relating to forfeiture of vehicles, boats, and airplanes used in controlled substance offenses

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 impose state-mandated local programs by requiring the prosecuting agency to cause a lis pendens to be recorded on real property in the county in which a petition of forfeiture is filed and by requiring law enforcement agencies to investigate claimants to vehicles, boats, or airplanes subject to intended forfeiture who have a title or other recorded interest in the vehicle, boat, or airplane

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 1094) Watson Sex crimes

Existing law provides that rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator under specified circumstances, including when the victim is incapable through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent

This bill would change that circumstance to when the victim is incapable because of mental disease, defect, or disorder or because of physical disability to consent to the act The bill would also require the prosecuting attorney to prove, as an element of the crime, that a mental disease, defect, or disorder or physical disability rendered the alleged victim incapable of giving consent, notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act.

Existing law provides that any person who commits an act of sodomy or oral copulation, and the victim is at the time incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison or in a county jail for not more than one year.

This bill would provide instead that a person who commits an act of sodomy or oral copulation, and the victim is at the time incapable because of mental disease, defect, or disorder or because of physical disability, of giving legal consent and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison or in a county jail for not more than one year. The bill would require the prosecuting attorney to prove, as an element of the crime, that a mental disease, defect, or disorder or physical disability rendered the alleged victim incapable of giving consent, notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short 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.

This bill would impose a state-mandated local program by changing the definitions of certain crimes thereby increasing the duty of local authorities to prosecute crimes.

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

Ch. 950 (SB 859) Watson. Crimes

Existing law generally provides that where a person is convicted of 2 or more felonies for which consecutive terms are imposed, the aggregate term is the sum of the principal term, which is the greatest term of imprisonment for any of the crimes plus ⅓ of the middle term of imprisonment for each other felony, plus enhancements or additional terms in some situations

This bill would provide that any person who kidnaps the victim to commit any of specified felony sexual crimes of which the person is convicted shall receive an additional term of 3 years

Ch. 951 (AB 1964) Connelly Controlled substances. minors

Existing law makes it a felony for any person over the age of 18 years to unlawfully sell, furnish, administer, give, or offer to sell, furnish, administer, or give specified controlled substances to a minor

This bill would enact The School Safety Act of 1983, which would make it a felony, punishable by imprisonment in the state prison for 5, 6, or 7 years, for any person over the age of 18 years to unlawfully prepare for sale, sell, or give away any controlled substance to a minor under the age of 14 years upon school grounds or public playgrounds, as specified

This bill would impose a new program or higher level of service upon local governments by creating a new crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 952 (AB 1983) La Follette Drug abuse suppression program

Existing law establishes in state government the Office of Criminal Justice Planning with specified powers and duties relative to development of state crime prevention programs

This bill would create in the Office of Criminal Justice Planning the Suppression of Drug Abuse in Schools Program. The executive director of the office would be authorized to allocate and award funds to local law enforcement agencies and public schools with joint drug abuse prevention and drug trafficking suppression programs. The executive director would be required to prepare and issue guidelines and procedures for the program to be submitted to the Legislature and to submit an annual report to the Legislature. The State Suppression of Drug Abuse in Schools Advisory Committee with specified membership would be appointed and would consult with the executive director concerning the program.

This bill would provide that it would constitute the guidelines for specified programs relating to the Office of Criminal Justice Planning. It would appropriate $500,000 from the amount appropriated for the Suppression of Drug Abuse in Schools Program in the Budget Act of 1983 to the Department of Alcohol and Drug Programs, for specified purposes.

This bill would take effect immediately as an urgency statute.

Ch. 953 (SB 319) Roberti Vehicle offenses

(1) Existing law makes it a misdemeanor for any person to engage in any motor vehicle speed contest or speed exhibition on a highway. The penalty upon conviction is, under existing law, imprisonment in the county jail for not more than 90 days, a fine not exceeding $250, or both that fine and imprisonment.

This bill would enact the Louis Friend Memorial Act, which would (a) define "motor vehicle speed contest" and (b) revise the penalty structure for engaging in a motor vehicle speed contest. Under the revised penalties provided by the bill, the basic penalty for violations would be imprisonment in the county jail for not less than 24 hours nor more than 90 days or a fine of not less than $355 nor more than $500, or both the fine and imprisonment. However, a person convicted of an offense of engaging in a motor vehicle speed contest which offense occurred within 5 years of the date of a prior offense of engaging in a motor vehicle speed contest would be subject to an enhanced penalty of imprisonment in the county jail for not less than 4 days nor more than 6 months and a fine of not less than $500 nor more than $1,000. The bill would expressly provide that the sentencing requirements do not interfere with the court's power to grant probation in a suitable case.

For a first offense, the bill would authorize the sentencing court to order a 90-day to 6-month suspension of a defendant's driver's license or to restrict the person's driving privilege to necessary travel to and from work and driving in the scope of employment if necessary to perform the person's employment duties. Under the bill, if a defendant has been previously convicted of engaging in a motor vehicle speed contest which offense occurred within 5 years preceding the offense charged, 6-month driver's license suspension or a 6-month restriction to necessary travel to and from work and driving in the scope of the person's employment if the driving is necessary to perform the person's employment duties is mandatory and the sentencing court would be required to impose at least 48 hours' imprisonment as a condition of probation.

The bill would permit the sentencing court, with respect to offenses related to motor vehicle speed contests or exhibitions, to order the imprisonment to be served on days when the defendent is not in his or her regular employment. The bill would also authorize impoundment of a vehicle used by the registered owner in a speed contest, as specified.

(2) This bill would amend Section 13352 of the Vehicle Code to incorporate the changes proposed by both this bill and AB 332, if both bills are enacted and become effective January 1, 1984, and this bill is enacted last.

(3) This bill would amend Section 23109 of the Vehicle Code to incorporate the changes proposed by both this bill and AB 369, if both bills are enacted and become effective January 1, 1984, and this bill is enacted 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 impose a state-mandated local program by increasing penalties for engaging in a motor vehicle speed contest

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

Ch 954 (AB 2041) Baker Victims of crimes: restitution fines.

Existing law provides that upon a person being convicted of a crime of violence resulting in injury or death of another person, a court may, under certain circumstances, in addition to any other penalty, order the defendant to pay a fine commensurate with the offense committed

This bill would provide that the fine shall be payable to the clerk of the court, the judge if there be no clerk at the time of judgment, the probation officer, or any other person responsible for the collection of criminal fines If the defendant fails in certain felony cases to pay the fine within 60 days, the fine would be deemed a debt of the defendant owing to the state as specified.

The bill would provide for the payment of the fines as specified from the wages of prisoners and wards.

The bill would make related changes

Ch 955 (SB 948) Royce Public records.

Existing law provides that, with specified exceptions, materials in the possession of governmental entities are public records subject to disclosure. Local law enforcement agencies shall disclose information about crimes, including the factual circumstances surrounding the crime or incident, except to the extent disclosure of a particular item of information would endanger the safety of a person in an investigation or endanger successful completion of the investigation. Disclosure of the address of a victim of specified sex crimes is prohibited

This bill would permit the name of the victim of those crimes to be withheld at his or her request, or at the request of the victim's parent or guardian if the victim is a minor.

This bill would also make a technical change in provisions relating to public records maintained by the Native American Heritage Commission

Ch 956 (AB 436) Sher Prisons and prisoners.

Existing law provides for the Medical Correctional Institution, which has as its primary purpose the receiving, segregation, confinement, observation, diagnosis, care and treatment of young men subject to the custody, control, and discipline of the Director of Corrections or the Youth Authority who are affected by mental disease, disorder or defect, or psychopathic or sociopathic personality, as specified.

This bill would repeal those provisions

The bill would further require the Department of Corrections to immediately construct and establish minimum and medium security, work-based facilities with a capacity of 2,000 inmates, as specified.

This bill would also make conforming, nonsubstantive changes.

Existing law establishes the Prison Industries Revolving Fund to be used to meet the expenses necessary in the purchasing of materials and equipment, salaries, construction and cost of the administration of the prison industries program

This bill would provide that the fund is not subject to specified provisions of law regarding the submission of budgets to the Department of Finance

The bill would require that any major capital outlay project undertaken by the Prison Industry Authority be subject to review by the Public Works Board, as prescribed.

This bill would take effect immediately as an urgency statute

Ch. 957 (AB 1841) Baker. State prisons: emergency facilities.

Under existing law, the sum of $11,874,300 was appropriated for the state prisons, as specified

This bill would, contingent upon the operation of AB 436, authorize the Department of Corrections to construct or establish specified prisons with a capacity of 3,600 prisoners, as described.

The bill would take effect immediately as an urgency statute

Ch. 958 (SB 422) Presley Prison construction

Existing law provides for the establishment of the California Men's Colony.

This bill would require the Department of Corrections to vacate the California Men's Colony West Facility by January 1, 1989

Under existing law, the Director of Corrections is the chairman of the Prison Industries Board.

This bill would provide that the director is the administrative head of the board and that he or she shall exercise all duties and functions necessary to insure the successful discharge of the board's responsibilities

Existing law establishes the Prison Industries Revolving Fund for specified purposes related to the prison industries program

This bill would create the Inmate Construction Revolving Account in that fund and would permit the transfer to the account of money appropriated from any source for public works projects involving prison construction and repair by inmate labor which money would be available for appropriation without regard to fiscal years.

Under existing law, the Department of Corrections is required to submit completed facility designs, proposed staffing patterns, and proposed inmate work programs for the new maximum security units at Tehachapi and for all facilities in the master plan for state prisons to policy and fiscal committees of the Senate and Assembly for review and comment.

This bill would instead require the department to submit completed preliminary plans, proposed staffing patterns and proposed inmate work programs for all facilities in the master plan to the Joint Legislative Prison Committee and the fiscal committees of the Senate and Assembly for review and approval, no later than 30 days prior to submission to the Public Works Board. If each committee does not approve the submittal, the Public Works Board could not act upon the plan, but failure to act within 30 days would be deemed approval.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse effect on the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would, with respect to certain facilities, exempt certain operations from that act and with respect to other specified proposed prison facilities, eliminate the review period for a notice of preparation and response time for responsible agencies and permit a shorter review period for draft environmental impact reports The bill would also authorize a direct appeal to the Supreme Court from any action respecting noncompliance with the provisions of the California Environmental Quality Act as to those facilities

This bill would authorize the Department of the Youth Authority to transfer title to property of the Preston School of Industry at Ione not currently in use to the Department of Corrections.

The bill would require the Director of Corrections and the Legislative Analyst to investigate the advisability of using lease or lease-purchase arrangements for prison acquisition, construction, and underwriting and to report their findings and recommendations to the Legislature no later than January 1, 1984

Under existing law, the Department of Corrections has been authorized to construct and establish 3 work-based medium security institutions in San Diego County

This bill would instead provide that the department is authorized to construct and establish 4 work-based medium security institutions in San Diego County subject to specified conditions concerning construction cost per cell, inmate to staff ratio public hearings, and legislative approval of the preliminary plans and the site

This bill would also authorize the department to construct and establish a 3,000-bed, minimum security, work-based prison in or near the City of Avenal in Kings County, and

to purchase existing facilities in Baker for the establishment of a minimum/medium security institution and would make appropriations from the New Prison Construction Fund for various prisons, as specified.

The bill would provide that the Department of Corrections shall not expend more than $25,000,000 of the funds appropriated until the department prepares and presents to the Legislature a detailed accounting of all prior expenditures from the New Prison Construction Fund.

Existing law requires that water for the prison complex to be constructed at Adelanto shall be purchased from the Mojave Water Agency

This bill would require the Mojave Water Agency to sell water to the prison complex.

This bill would provide that its provisions are severable

This bill would take effect immediately as an urgency statute.

Ch 959 (AB 32) Katz. *State taxes: carryover operating loss.*

Existing State Personal Income Tax Law and Bank and Corporations Tax Law do not authorize small businesses subject to the imposition of taxes under these laws to carry the net operating losses incurred in one taxable year or income year to following years.

This bill would authorize a taxpayer who is engaged in a new small business to carry net operating losses which are incurred within the first 24 months of active operation of the small business, beginning on or after January 1, 1984, to following taxable years or income years, in a manner as specified.

This bill would take effect immediately as a tax levy.

Ch. 960 (SB 516) Maddy Public welfare welfare tax exemption. Medi-Cal.

Existing law exempts from property taxation under the welfare exemption certain property used exclusively for religious, hospital, or charitable purposes. It provides that, for purposes of the welfare exemption, property owned and operated by a nonprofit organization, otherwise qualifying for the so-called welfare exemption, shall be deemed to be exclusively used for hospital purposes so long as the property is exclusively used to meet the needs of hospitals, which themselves qualify for the welfare exemption.

This bill would impose a state-mandated local program by providing instead that, for purposes of the welfare exemption, property owned and operated by a nonprofit organization, otherwise qualifying for the so-called welfare exemption, shall be deemed to be exclusively used for hospital purposes so long as the property is exclusively used to meet the needs of hospitals which qualify for exemption from property taxation under the statute implementing the welfare exemption or any other law of the United States or this state.

The bill would require the Controller to report to the Legislature on the amount of the claims made pursuant to Section 2229 of the Revenue and Taxation Code by county auditors for state reimbursement for property tax revenues lost by reason of this enactment

Existing law provides for a Medi-Cal program whereunder medical assistance is provided to public assistance recipients and other low-income persons. As one means of providing health services under Medi-Cal, the State Department of Health Services may contract with counties, which may provide the services directly to Medi-Cal beneficiaries or arrange for the services to be provided by subcontract with primary care providers or other entities.

This bill would require counties responsible for providing Medi-Cal services to make every effort to fully utilize existing health service resources which are cost-effective and provide quality care, as specified.

Existing law requires the department to monitor the level and quality of health services provided, and a county's expenditures, pursuant to a contract for the provision of Medi-Cal health services between the department and any county

This bill would require that this review be conducted by a method independent of any agency of the county.

Existing law authorizes the department to contract for the provision of specified medical services from suppliers of clinical laboratory services.

This bill would require that the contractor be a clinical laboratory licensed or certified by the State of California

This bill would also provide that a provision in the Budget Act restricting payment

for pathology services to only the provider performing those services would be limited, as specified.

Existing law prescribes a civil money penalty for any person who causes to be presented to the state a claim for medical services that the person knows or has reason to know are not entitled to reimbursement for the reason among others, that payment for the claim may not be made under the Medi-Cal program

This bill would limit the imposition of the civil penalty under this particular circumstance to specified situations and provide that the director assess and collect the penalty.

Existing law directs the California Medical Assistance Commission to contract with health care delivery systems in order to provide health care services to Medi-Cal beneficiaries

This bill would provide that the commission or State Department of Health Services may direct independent studies relating to potential changes in existing Medi-Cal standards for benefits, eligibility, and financial responsibility, 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 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 961 (SB 601) Garamendi. Division of income professional athletic teams

Existing law includes the Uniform Division of Income for Tax Purposes Act, which provides for the apportionment of net income of taxpayers having income from business activity which is taxable both within and without this state.

This bill would add provisions to the act to govern the apportionment of the income of professional athletic teams, as defined

The bill would take effect immediately as a tax levy

Ch 962 (SB 841) Robbins Insurance

Existing provisions of law provide for the regulation and licensure of life insurance analysts. Acting, offering to act, or assuming to act as a life insurance analyst when not licensed as such is punishable as a misdemeanor.

This bill would revise the definition of, and licensing requirements for, life insurance analysts, rename these licensees life and disability insurance analysts; provide that a person who acts, offers to act, or assumes to act as a life and disability insurance analyst when not so licensed is guilty of a misdemeanor, thus establishing a state-mandated local program; authorize the licensing of production agencies or other organizations as life and disability insurance analysts, remove an exemption for life agents with respect to licensing as life and disability insurance analysts; extend the period allowed for passing the licensing examination and remove the time limits for hearing the matter of a refusal to license, revise the examination requirements; raise various licensing and examination fees, remove the bonding requirements for life and disability insurance analysts; and make related changes.

The bill would prohibit a life and disability insurance analyst from charging a fee for any service which is customarily associated with the solicitation of insurance sales or the servicing of insurance contracts written by the licensee or contracts for which the licensee is receiving compensation from the insurer It would also require a licensee, in order to receive a fee, to do so pursuant to a written agreement signed by the party to be charged, as specified.

The bill would also authorize the Department of Insurance to publish rules and regulations regarding the initial and continuing qualifications to obtain a life and disability insurance analyst license and specify certain qualifications therefor.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 963 (AB 2154) Davis. Community development funds. housing.

Existing provisions of federal law provide for the allocation of funds to this state for use in those areas which are not metropolitan cities or urban counties, as defined, to generally provide decent housing, a suitable living environment, and expanding economic opportunities, principally for persons of low or moderate income.

This bill would require the Department of Housing and Community Development to utilize those funds, consistent with the requirements imposed by federal law for the same purposes. The bill would require the department to utilize a specified percentage of those funds to make grants to eligible cities and counties, under specified conditions, for the purpose of providing or improving housing opportunities for persons and families of low or moderate income, as defined, or for purposes directly related to the provision or improvement of housing opportunities for those persons, including the construction of infrastructure

The bill would also require the department to utilize a specified percentage of those funds to make grants to cities and counties that apply to the department for those funds on behalf of specified Indian tribes. The bill would require those Indian tribes to utilize those funds for the above-specified purposes.

Ch. 964 (AB 1216) 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 specified peace officers.

This bill would include in the definition of peace officers, for the purposes of the Bill of Rights, security officers of a municipal utility district

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 create a state-mandated local program by imposing new duties on specified local agencies

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 965 (AB 1616) Clute Vehicles. reckless driving

Under existing law, the penalty for reckless driving causing bodily injury is imprisonment in the county jail for not less than 30 days nor more than 6 months, or a fine of not less than $220 nor more than $500, or both the fine and imprisonment

This bill would authorize a sentencing court to impose in lieu of the prescribed jail term, a felony sentence of imprisonment in the state prison for 16 months, or 2 or 3 years, on any person convicted of reckless driving which proximately causes great bodily injury, as defined, who previously has been convicted of violating designated provisions dealing with reckless driving, speed contests, or driving under the influence of alcohol or drugs, or both

Ch 966 (AB 1187) Killea. Alcoholic beverages.

Existing law limits the number of on-sale general alcoholic beverage licenses which may be issued in any county based on the ratio of licenses to specific number of inhabitants in the county. The law provides that premises owned by the state, any incorporated city, county, city and county, airport district, or other district or public corporation of the state or premises leased to any county, shall be exempt from the limitation, provided the premises are operated as a bona fide public eating place, with specified exceptions.

This bill would extend that exemption to premises leased to any city.
The bill would make related changes.
This bill would take effect immediately as an urgency statute.

Ch. 967 (AB 1829) La Follette. Environmental quality: environmental impact reports.

(1) Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, that they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse change in the environment or, if they determine that a proposed project will not have that effect, to adopt a negative declaration.

This bill would define "tiering" for purposes of the act as the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program, or ordinance followed by narrower or site specific environmental impact reports which incorporate by reference the discussion in any prior environmental impact report and which concentrate on specified effects The bill would make legislative findings regarding the tiering of environmental impact reports and authorize public agencies to tier those reports whenever possible

(2) Under the act, a lead agency is required to perform various duties within specified time periods

This bill would require a local agency, at the time of receiving an application with respect to a discretionary project, to determine whether or not it is able to meet those time limits, thereby imposing a state-mandated local program. The bill would require the local agency, if it determines it is unable to meet any time limits, upon the request of an applicant, to contract with private entities or employ persons to meet the time limits and would permit the local agency to charge and require the applicant to pay a fee to defray the costs directly attributable to contracting with private entities or employing persons to perform those services.

(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, 1990, the provisions contained in the bill for which state reimbursement is required

Ch 968 (SB 248) Carpenter Crimes

Existing law does not specify that it is a crime to inflict unjustifiable physical pain or mental suffering on a dependent adult or for a person having the custody and control of a dependent adult to thieve or to embezzle the property of that dependent adult

This bill would so provide, as specified and defined, thus creating a state-mandated local 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. 969 (AB 243) Frazee County records. authentication

(1) Existing law provides for the authentication of various documents by the county clerk pursuant to court order.

This bill would impose a fee of $2 per signature for such authentication, and would

require each document authenticated to contain a specified statement. The requirement for the inclusion of the specified statement on each document authenticated would constitute a state-mandated local program.

(2) Existing law establishes various fees for filings in civil actions and proceedings, and establishes limits upon the total fees which may be charged.

This bill would authorize the board of supervisors to provide for an additional fee of $1 for the filing of specified papers in civil actions and proceedings to be used exclusively for automating the county clerk's and municipal and justice court record keeping system or the conversion to micrographics The board of supervisors would also be authorized to include such fee in the total filing fee, or to make it in addition thereto; however, this authorization would be repealed on January 1, 1988. The bill would incorporate additional changes to Section 72055 of the Government Code proposed by AB 493, contingent upon prior chaptering of AB 493.

(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 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. 970 (SB 1118) Keene. Judicial Council: rules of court.

Under existing law, the Judicial Council has adopted various rules for court administration, practice, and procedure.

This bill would require the Judicial Council, not later than January 1, 1985, to adopt rules of court regulating the selection of appointed counsel, other than the State Public Defender, to handle criminal appeals by indigent defendants, as specified.

Ch 971 (SB 363) Russell. Public utilities certification.

(1) Existing law generally requires issuance of a certificate of public convenience and necessity by the Public Utilities Commission before a public utility constructs or extends any line, plant, or system.

This bill would require the commission to exempt, from the certification requirement, the construction or extension located outside this state, upon application of the public utility, if 75% or more of the public utility's operating revenue is from outside this state, unless the commission determines that the public interest requires that the certification requirements should apply to the construction. The bill would require the commission to make this determination within 90 days after the filing of an application for exemption, unless the commission and the public utility both agree to an extension of not more than 60 additional days, and would exempt the construction from the certification requirements if the commission fails to make the determination within this time period.

(2) The bill would declare legislative findings concerning the jurisdiction of the commission over certain public utilities' facilities.

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

Ch. 972 (SB 878) Ayala Dairy farms and feedlots: construction.

Existing law provides for the establishment of standards for the maintenance, construction, or repair of dairy farms. The California Environmental Quality Act generally requires an environmental impact report to be prepared for a discretionary project which may have a substantial, adverse impact on the environment.

This bill would state that state agencies may not require an environmental impact report for any activity of a dairy farm under specified circumstances.

Ch 973 (AB 1536) M Waters Credit insurance.

Existing provisions of law regulate all disability insurance sold in connection with loans or other credit transactions, except insurance sold in connection with a loan or other

credit transactions of more than 10 years' duration where its issuance is an isolated transaction on the part of the insurer not related to an agreement or a plan or regular course of conduct for insuring debtors of the creditor Existing law also specifies various creditors' remedies which may be used by a creditor against a debtor because of the debtor's nonpayment of any sum.

This bill would provide that no creditor, as defined, shall invoke any creditor's remedy against a debtor because of the debtor's nonpayment of any sum which becomes due during any disability claim period, as specified The bill would specifically not prohibit a creditor from invoking any creditor's remedy during or after the claim period for the debtor's nonpayment of any sum due prior to the claim period or nonpayment of any interest, finance charge, or late charge accruing during the claim period of any sum due prior to that period The bill would require a creditor to disclose certain information to the debtor and to inform the debtor of the name, address, and telephone number of the insurer or its representative, as specified These provisions would only apply to a creditor who directly arranges or participates in the sale or receives a commission or other compensation for the sale of credit disability insurance to the debtor. The above provisions would apply to the nonpayment of any sum due on or after April 1, 1984, for which the debtor claims disability coverage

The bill would also require every application for, certificate, and policy of credit life or credit disability insurance to set forth a statement indicating that any preexisting health condition may render the coverage void, if that is the case. It would permit credit disability insurance to exclude from coverage preexisting illnesses, diseases, or conditions for which the debtor received medical advice, consultation, or treatment within 6 months before and 6 months after the date of coverage and which result in disability within 2 years, as specified

The bill would also permit a debtor to terminate credit life or disability insurance at any time for any person, upon notice to the creditor, and would regulate the premium refund

Ch 974 (SB 1216) Marks Disability insurance records: disclosure

Existing law provides that all medical records obtained by the Employment Development Department in the course of administering the state disability insurance law are confidential and may only be used to the extent necessary to administer that law, except as specified Among other exceptions, the department may reveal the identity only of a claimant to the Department of Rehabilitation

This bill provides that the Employment Development Department may make available to the Department of Rehabilitation all records in the case file of a claimant. The department would be prohibited from making the records available if the claimant so requests and would be required to provide each claimant with the opportunity to so request These provisions would remain in effect only until January 1, 1986.

The bill would take effect immediately as an urgency statute

Ch 975 (SB 764) Montoya Boxing and wrestling

Existing law regulating boxing and wrestling provides that the term "boxing" includes kickboxing and professional and amateur full-contact karate, but that various specified provisions relating to boxing do not apply to kickboxing or professional and amateur full-contact karate

This bill would include among the provisions which do not apply to kickboxing or professional and amateur full-contact karate those relating to boxer benefits, and would also provide that rules and regulations of the State Athletic Commission relating to professional boxing shall apply to kickboxing, and rules and regulations of the State Athletic Commission relating to professional and amateur boxing shall apply, respectively, to professional and amateur full-contact karate, except where specifically excluded by the commission's regulations.

Existing law provides that 3 members of the State Athletic Commission constitute a quorum for the transaction of business and that the concurrence of at least 3 commissioners is necessary to render a decision

This bill would provide instead that 5 members of the State Athletic Commission constitute a quorum for the transaction of business and that the affirmative vote of a majority of those commissioners present at a meeting of the commission constituting at

least a quorum is necessary to render a decision

Existing law provides that the State Athletic Commission may license, among others, referees, matchmakers, announcers, time keepers, ticket sellers, and box-office employees to participate in, or be employed in connection with, professional or amateur boxing contests, sparring or wrestling matches, or wrestling exhibitions.

This bill would require the State Athletic Commission to license the above mentioned persons, plus judges The bill would also require the commission to prescribe standards for the licensure of any persons required to be licensed by statute or by regulation

Existing law specifies the fees to be paid for the licensure of, among others, professional judges, timekeepers, professional boxers, professional wrestlers, trainers and seconds, matchmakers, and assistant matchmakers, but does not specify the fees to be paid for the licensure of announcers, ticket sellers, and box-office employees

This bill would increase the license fees of the former group, as specified, and would further specify that the license fee for announcers, ticket sellers, and box-office employees is $25. In addition, the fee for a duplicate of a license would be increased from $5 to $10

Existing law provides that before any license is granted to any club to conduct, hold, or give a nonamateur boxing contest or a sparring match, or a wrestling match or wrestling exhibition, the applicant for the license shall file a bond of $10,000 with the State Athletic Commission, conditioned as specified.

This bill would provide instead that the bond shall be in an amount determined by the State Athletic Commission

Ch 976 (AB 1589) Sher Subdivisions

Existing law provides that any sales made pursuant to a subdivision public report issued by the Department of Real Estate for a stock cooperative conversion are not invalidated under the provisions of Chapter 1192 of the Statutes of 1979, which made the Subdivision Map Act applicable to such conversions, as specified, if the application for that public report, including payment of an appropriate fee, was made prior to July 1, 1979. Existing law provides that stock cooperative conversions which occur in the jurisdiction of governmental agencies which by legislative action regulated conversions prior to January 1, 1980, would be subject to local regulation rather than the provisions added to state law by Chapter 1192 of the Statutes of 1979. Existing law further provides that if the application for a subdivision public report for a stock cooperative conversion in a general law city was made prior to September 30, 1979, and the general law city did not by legislative action regulate the conversion, as specified, prior to the application, that the provisions of Chapter 1192 of the Statutes of 1979, would not affect the conversion and that the Real Estate Commission would be required to issue the public report if certain conditions are satisfied, as specified.

This bill would specify that any sales made pursuant to a subdivision public report for a stock cooperative conversion are not invalidated by the provisions of Chapter 1192 of the Statutes of 1979, if the application for that public report, including payment of an appropriate fee, was made prior to January 1, 1980, and provided that the stock cooperative conversion occurred in the jurisdiction of governmental agencies which did not regulate such conversions by legislative action This, and the existing provisions would become inoperative on June 30, 1984, and would be repealed January 1, 1985

Ch 977 (AB 1691) McAlister. Credit unions

Existing law provides that upon reasonable notice and opportunity to be heard, the commissioner may deny an application for formation of a credit union when, among other things, the field of membership of the applicant is contrary to the principles of organizing credit unions based on common bond of employment, membership, or residence However, existing law specifically provides that it does not prohibit the commissioner from issuing a certificate authorizing a credit union for an association or associations of employers located in one reasonably compact geographical area, or from authorizing an existing credit union to expand into one or more additional areas upon a determination that the credit union has a record of not less than 2 years of successful operation, each additional area has demonstrated need and support for a credit union to warrant expansion, and the credit union has demonstrated sufficient organizational, managerial, and financial ability to expand without jeopardizing the successful operation

of the credit union.

This bill would instead permit denial and in addition, disapproval of a merger or expansion of the field of membership of an existing credit union when the field of membership of the applicant is contrary to the principles of organizing credit unions based on common bond of occupation, association, or groups within a well-defined neighborhood, community or rural district. The bill would also delete the above provisions relating to the expansion of a credit union for an association or associations of employers.

Existing law permits a credit union, with the approval of the Commissioner of Corporations, and in accordance with such rules as the commissioner makes, to merge with another credit union of like community of interest in membership or with a central credit union under the charter of such other credit union or as provided under specified provisions of law.

This bill would authorize merger with another credit union or with a central credit union, as specified.

Existing law provides that a merger shall be made pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger and approved by the affirmative vote of at least a majority of the members of each credit union.

This bill would instead provide that it be approved by the affirmative vote of at least a majority of the members of the merging credit union, and make related and conforming changes.

The bill would also provide that in order to prevent substantial encroachment upon an existing California credit union which may impair the successful operation of that credit union, the Commissioner of Corporations and the Regional Director of Region VI of the National Credit Union Administration, upon implementation of a reciprocal notice procedure, shall provide reciprocal notice to the other regulatory agency when authorizing a new credit union or expanding the field of membership of an existing California credit union, as specified. It would also require the Commissioner of Corporations to give notice of the actions taken by the Regional Administrator of Region VI of the National Credit Union Administration either directly or indirectly to California state-licensed credit unions of proposed chartering activity or expansion of the field of membership of an existing credit union in this state. The commissioner would not be subject to liability resulting from a failure to provide such notice.

Ch. 978 (AB 186) Harris. Judicial arbitration

Existing law requires specified civil cases in certain superior courts to be submitted to arbitration if the amount in controversy, in the opinion of the court, will not exceed $15,000 ($25,000 in the Counties of Los Angeles, San Bernardino, Santa Barbara, and Ventura); 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 authorize a county, other than Los Angeles, San Bernardino, Santa Barbara, or Ventura County, upon a resolution of the respective boards of supervisors, to require actions in which the amount in controversy does not exceed $25,000 to be submitted to arbitration if the county presently has a judicial arbitration program pursuant to statutory provision or local court rule.

The bill would take effect immediately as an urgency statute.

Ch. 979 (AB 653) Papan Disposition of fines and forfeitures.

Existing law provides for the distribution of a percentage of all fines and forfeitures resulting from arrests by members of the police department or fire department of a community services district to be credited to the community services district by the county treasurer.

This bill would provide a specified distribution with regard to fines and forfeitures resulting from arrests made by officers of a police protection district to be credited to the police protection district by the county treasurer

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

This bill would impose a state-mandated local program by imposing new duties on the county treasurer.

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 980 (AB 370) Wright. Motor vehicles. excessive speed.

(1) Under existing law, driving a vehicle upon a highway in excess of the maximum speed limit of 55 miles per hour is an infraction punishable by a fine not exceeding $50, or a fine not exceeding $100 for a second conviction within a year, or a fine not exceeding $250 for a third or subsequent conviction within a year.

This bill would make the offense, for persons driving at a speed exceeding 100 miles per hour, an infraction punishable by a fine not exceeding $500. The bill would also authorize the court to suspend the person's driving privilege for not more than 30 days on a first offense. The bill would require the Department of Motor Vehicles to suspend the driving privilege for 6 months on conviction of a second offense within 3 years of a prior offense and for one year on conviction of a third or subsequent offense within 5 years of 2 or more prior offenses, or to restrict the privilege for those respective periods to necessary travel to and from the person's place of employment and, if necessary to the performance of the person's duties of employment, to driving within the person's scope of employment

(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 impose a state-mandated local program by increasing an existing criminal penalty.

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

Ch 981 (AB 219) N Waters. Liability.

Existing law provides that an act of willful misconduct of a minor which results in personal injury or death, or in injury to property, or which results in the defacement of property with paint or a similar substance, shall be imputed to the parent or guardian having custody or control, with the imputed liability being subject to a limit of $5,000

This bill would increase that limit to $10,000, and would provide that the liability is applicable to a parent or guardian having custody and control rather than custody or control.

Ch 982 (AB 1414) Stirling. Ocean fishery research

(1) Existing law does not provide for a state-supported program administered by the Director of Fish and Game to perform research on declining ocean resources.

This bill would, until January 1, 1990, establish the California Ocean Resources Enhancement and Hatchery Program to be administered by the director, with the advice and assistance of the Ocean Resources Enhancement and Hatchery Advisory Panel, created by the bill, for the purpose of conducting a program of basic and applied research on the artificial propogation and distribution of adversely affected marine fish species, as specified. The program would be funded through the creation of the Ocean Fishery Research and Hatchery Account in the Fish and Game Preservation Fund. The money in the account would be available for appropriation for the purposes of the bill The account would receive revenue from a requirement mandating the use of ocean fishing enhancement stamps, at specified fees for commercial fishing, sport fishing, and passenger fishing boat operations in ocean waters south of Point Arguello, in addition to any other license and stamp requirements

The bill would also require that any place at which all or a significant part of the program is conducted be named the California Marine Hatchery Institute.

(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 impose a new state-mandated local program by creating a new misdemeanor since it would become unlawful to take fish from ocean waters without an ocean fishing stamp.

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

Ch. 983 (AB 895) Cortese. Fiscal affairs.

(1) Existing law reduces, as specified, for the 1983–84 fiscal year only, the amount of state reimbursement to local agencies for the loss of property tax revenue attributable to the exemption of certain property.

This bill would make changes in the method of calculating the amount of this reimbursement for the 1983–84 fiscal year which will have the effect of increasing the amount of reimbursement which would otherwise have been made.

(2) Existing law provides for the reduction of certain amounts of state financial assistance to local agencies in certain circumstances but suspends the operation of these provisions for the period of July 1, 1983, to September 30, 1983.

This bill would suspend the operation of these provisions for the entire 1983–84 fiscal year.

(3) Existing law provides generally for the allocation of specified local assistance funds by the state to local agencies pursuant to prescribed formulas, but reduces these allocations for the months of July, August, and September of 1983 pursuant to prescribed formulas and provides for the transfer and allocation of the amount of the reduction, as specified.

This bill would continue these reductions for the entire 1983–84 fiscal year and would require that the amount of the reductions be transferred to the unappropriated surplus of the General Fund.

(4) Existing law provides generally for the allocation to cities and counties, pursuant to a prescribed formula, of specified amounts of money contained in the Motor Vehicle License Fee Account in the Transportation Tax Fund, however, for a specified period during the 1983–84 fiscal year, specified amounts in the account are allocated for certain purposes specified in the Budget Act of 1983.

This bill would eliminate, effective November 1, 1983, the special allocation for purposes of the Budget Act of 1983 and would provide for a reduction in the allocation to cities and counties and a transfer of the amount of the reduction to the unappropriated surplus of the General Fund.

(5) Under existing law, the Department of Motor Vehicles is required to suspend the driver's license of any person violating a written promise to appear or a continuance thereof, for 15 or more days, or violating a specified court order to appear or pay a fine if the department's records for the person contain notice of one or more previous such violations. Under existing law, the court is required to notify the department of such an occurrence within 60 days thereof, and, if the department has received a previous notice of such a violation, the department is required to mail notice of the license suspension not sooner than 60 days, with the suspension to take effect not sooner than 90 days, following receipt of the notice from the court.

This bill would advance these time limitations by 30 days with respect to the department, so that the department could mail notice of the suspension 30 days after receipt of notice from the court, and actually suspend the license 60 days following receipt of the court's notice.

(6) Under existing law, whenever any person fails to respond to a parking citation for a period of 15 days or more, the magistrate or clerk of court, or the officer of the issuing agency designated by the clerk or magistrate, is required to transmit a notice of noncompliance to the department, if no arrest warrant is outstanding. Thereafter, no arrest warrant may be issued until the department returns the matter to the court, as specified, or until recalled by the court for adjudication.

This bill would authorize the court to recall the matter from the department prior to

adjudication in order to issue an arrest warrant The bill would also specify that the owner of a vehicle is not responsible for parking citations issued against the vehicle prior to acquiring the vehicle

(7) The Budget Act of 1983 appropriates specified amounts for local assistance for tax relief from the Motor Vehicle License Fee Account in the Transportation Tax Fund. This bill would eliminate these appropriations and substitute therefor specified appropriations from the General Fund

(8) This bill would appropriate from the General Fund to the Controller for allocation to certain cities amounts determined pursuant to a prescribed formula.

(9) The bill would make certain findings and declarations by the Legislature and state the intent of the Legislature with respect to specified aspects of local government financing

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

Ch 984 (SB 848) Montoya Public utilities. energy conservation development

Under existing law, public utilities, including electrical and gas corporations, are subject to the jurisdiction of the Public Utilities Commission. Existing law does not regulate the extent to which an electrical or gas corporation may engage in energy conservation development

This bill would declare the intent of the Legislature that the commission be given a clear and explicit mandate to regulate the involvement of electrical and gas corporations in energy conservation development, without substantive provisions

Ch. 985 (SB 783) Deddeh Transit operators. annual reports

Under the Mills Alquist-Deddeh Act, operators, as defined, of transit systems, in order to be eligible for allocations of funds under the act, are required to submit audited annual reports of specified content to the Controller within 120 days of the end of the fiscal year

This bill would delete the requirement for the annual reports to be audited, and would require them to be submitted within 90 days of the end of the fiscal year

The bill would make other conforming and technical changes

Ch 986 (SB 552) Deddeh. Fleet vehicles

(1) Existing law prescribing the content and proper display of a license tab issued in lieu of a license plate is not applicable to vehicles with fleet registration

This bill would make these provisions applicable to fleet-registered vehicles, except existing requirements that the license tab indicate the year for which issued and the month of expiration.

(2) Existing law requires the Department of Motor Vehicles to conduct a fleet registration program for fleets over 500 vehicles

This bill would until January 1, 1987, authorize the department to conduct a pilot program for fleet registration by associations comprised of a combination of fleets of 300 or more vehicles, totaling in the aggregate over 1,000 vehicles.

(3) Under existing law, the Reciprocity Commission is authorized (a) to examine the legal requirements pertaining to motor vehicle registration, license fees, and weight fees of foreign jurisdictions which grant reciprocal privileges to out-of-state owners or persons, but which do not authorize negotiation or execution of agreements by administrative officials and (b) to declare the reciprocal privileges the owners or persons therefrom are entitled to in this state.

This bill, by deleting the above limitation as to only foreign jurisdictions which do not authorize negotiation or execution of agreement by administrative officials, would authorize the commission to examine those legal requirements of any foreign jurisdiction and to declare the reciprocal privileges the owners or persons therefrom are entitled to in this state

These changes in existing law would be repealed January 1, 1987

(4) Under existing law, persons operating 3 or more commercial vehicles in this state in interstate commerce may register and license the vehicles as a fleet in lieu of registering each vehicle.

This bill would permit the ownership of a fleet so registered to be transferred and reregistered, as specified, without reassessing registration, weight, and vehicle license fees The bill would require a fee of $2 per vehicle to be paid for reregistration of a fleet

in those cases.

(5) Under existing law the operator of a California registered power unit may elect to allow a lien to be placed on the power unit for minimum registration and transfer fees, plus penalties, for a foreign registered auxiliary dolly, semitrailer, or trailer that has been pulled by the power unit under an expired trip permit

This bill would make the above provisions applicable to any foreign registered auxiliary dolly, semitrailer, or trailer operated without current year registration or valid California permits or registration. However, the bill would make this procedure inapplicable if the registration violation is cited at a scale operated by the Department of the California Highway Patrol and immediate registration can be issued there

(6) The bill would require the Department of Motor Vehicles to report on the implementation of the bill to the Legislature by July 1, 1985.

(7) This bill would amend Section 9800 of the Vehicle Code to incorporate the changes in that section proposed by AB 23, if both this bill and AB 23 are enacted and become effective January 1, 1984, and this bill is enacted last.

Ch. 987 (SB 619) Hart. Transportation: chemical rocket propellants.

(1) Existing law authorizes the Department of the California Highway Patrol and local authorities to prescribe or establish routes for the transportation of explosives, as defined. This bill would make anhydrous hydrazine, fuming nitric acid, and liquid nitrogen tetroxide, when transported in cargo tanks, subject to specified provisions relating to the transportation of explosives. The bill would impose a state-mandated local program by making a violation of this provision 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. 988 (SB 732) Russell Insurance: conversion of mutual life insurer to a stock life insurer

Existing law does not contain provisions for the conversion of an incorporated mutual life or life and disability insurer into an incorporated stock life insurer issuing policies on a reserve basis.

This bill, among other things, would permit a domestic incorporated mutual life insurer, or life and disability insurer, issuing nonassessable policies on a reserve basis to be converted into an incorporated stock life or stock life and disability insurer issuing, on a reserve basis, nonassessable policies of life insurance or of both life and disability insurance. The bill would require the plan for conversion to include appropriate proceedings for amending the insurer's articles of incorporation to give effect to the conversion from a non-stock corporation into a stock corporation. It would authorize each member not applying his or her equity upon the purchase price of stock to elect to receive either a cash payment or a certificate of contribution, as specified. The bill would require the conversion plan to be approved by a resolution of the majority of the board of directors, as specified, ~~and~~* require submission of the plan to the Insurance Commissioner for approval [, and require approval by a majority vote of the members of the corporation voting at a meeting of the members called for that purpose, and require filing of the plan in the office of the commissioner]*.

The bill would also require the Insurance Commissioner to examine the plan and as a part of the examination authorize the commissioner to order a hearing on the plan after giving written notice of the hearing to the insurer, and its members. Upon approval of the conversion plan the commissioner would be required to issue a new certificate of authority The offer or sale of securities issued pursuant to the conversion plan would be exempt from specified securities provisions of the Insurance Code

Ch. 989 (SB 1266) Petris Traffic offenses: consolidated disposition

(1) Nothing in present law authorizes a person in custody and charged with misdemeanors or infractions under the Vehicle Code pending in different judicial districts

to enter a consolidated guilty plea to all the offenses and be sentenced by a single court

This bill would require, upon election of that person, such consolidated disposition of traffic misdemeanors and infractions for which warrants of arrest have been filed in any court in the same county where the sentencing court is located The bill would not, however, authorize such consolidated disposition with respect to parking offenses and certain other specified offenses. The bill would impose a state-mandated local program by requiring courts to provide such consolidated disposition, by requiring the sentencing court to notify the appropriate courts or departments thereof of the disposition, and by requiring courts receiving such notice to certify the disposition to the Department of Motor Vehicles, 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. 990 (AB 109) Wyman Child concealment.

Existing law contains various provisions which directly or indirectly relate to establishing the commission of the crime of taking, enticing, detaining or concealing a minor by a person not having a right of custody. These provisions include establishment of the right to custody, definition of the crime, determination of the jurisdiction of the criminal action, and specifying the time within which the criminal action must be commenced

This bill would revise the elements of and punishment for these existing crimes, including making acts constituting the crimes committed outside this state a crime, as well as making various related changes, including revising the jurisdictional provisions concerning prosecution of these crimes

The bill would further provide that if any provision of the bill or application thereof is held invalid, that invalidity shall not affect other provisions or applications of the bill which can be given effect without the invalid provision or application, and to that end the provisions of the bill are severable

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 mandate a new program or higher level of service in local government by creating a new crime or by expanding the scope of an existing crime

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

Ch 991 (AB 1639) Margolin. County health services

[(1)]* Under existing law, savings that occur in County Health Services Funds ~~may be allocated by the State Director of Health Services upon application of a local jurisdiction in accord with special needs and priorities established by the director after a public hearing and notification of certain legislative committees. The local jurisdiction receiving such funds is required to expend matching funds in the same amounts. The director was required to allocate these funds for specific special needs and priorities between April 1, 1982, and August 31, 1982, and to waive or reduce county matching requirements under certain circumstances~~

~~This bill would, instead, provide that these savings~~* may be appropriated to the State Department of Health Services by the Legislature in the annual Budget Act ; ~~and that to~~ [The Legislature is also authorized to appropriate these funds for any public health purpose it deems necessary in the annual Budget Act To]* the extent ~~that these~~* savings are ~~appropriated would require that~~ [available,]* the department [is required to]* allocate these funds pursuant to ~~specified~~* priority categories [, including distressed county hospitals,]* established by the Legislature [in the annual Budget Act]*. ~~The bill would authorize the Director of Health Services to reduce or waive local jurisdiction matching fund requirements under certain circumstances in allocating savings occurring in~~

~~County Health Services Funds.~~ [These funds are to be availble to local jurisdictions for one-time projects upon application by the governing body of the jurisdiction, and may only be expended if the local jurisdiction agrees to net expenditures of local jurisdiction funds in the same amount, except that the Director of Health Services is authorized to waive or reduce this matching requirement when funds are needed for a public health emergency or if the director makes certain determinations]*

[This bill would permit the Legislature to establish priority categories other than the categories which are specified and would make expenditure for any public health purpose the Legislature deems necessary an additional priority category, rather than a separate authorization. It would also authorize the director to waive or reduce the matching requirement when funds are needed for a distressed county hospital, in addition to a public health emergency, if the director makes certain determinations]*

[(2) Under existing law the amount of savings which may be utilized pursuant to the above provisions is limited to $2,000,000 in fiscal year 1983–84, and for each fiscal year thereafter is limited to an amount equal to one-quarter of 1 percent of the total amount of funds appropriated to the County Health Services Fund in that fiscal year.]*

~~The~~ [This]* bill would [instead,]* limit the amount of savings which may be utilized under the above provisions ~~for~~ [in]* the 1983–84 fiscal year, and ~~for~~ [in]* each fiscal year thereafter to an amount equal to one-quarter of 1 percent of the total amount [of funds]* appropriated to the County Health Services Funds [in that fiscal year]* or to $2,200,000, whichever is greater. ~~The bill would provide that any funds in excess of that amount allocated to a county which did not contract with the department for provision of specified county health services, and which are savings from certain allocations shall revert to the General Fund, and any funds in excess of that amount allocated to a noncontracting county from the Medically Indigent Services Account shall be deposited in the Local Health Capital Expenditure Account, which is continuously appropriated, and would therefore make an appropriation.~~*

~~In the 1983/84 fiscal year, the bill would prohibit funds from being available for projects until $2,365,000 has reverted to the General Fund.~~*

[(3) This bill would also make various technical and nonsubstantive changes.]*

Ch 992 (SB 367) Rosenthal. Health facilities

(1) Under existing law, a renewal of a license or a special permit for certain health facilities may be issued for a period not to exceed 2 years if the holder of the license or permit has been found in substantial compliance with statutes, regulations, and standards.

This bill would authorize the renewal of a license or special permit for a period not to exceed 3 years, rather than 2 years, for general acute care hospitals and acute psychiatric hospitals.

(2) Under existing law, every health facility for which a license or special permit has been issued is required to be inspected no less than once every 2 years.

This bill would change the inspection interval to no less than once every 3 years for general acute care hospitals and acute psychiatric hospitals if specified conditions are met.

(3) Under existing law the State Department of Health Services has authority to contract for inspections of health facilities as needed.

This bill would, if the department contracts with the Commission on Accreditation of Hospitals to perform specified inspections, specify the circumstances under which the health facility would be required to submit a copy of the final accreditation report to the department. Violations under these provisions of law are a misdemeanor, and creating a new misdemeanor causes this bill to create a state-mandated local program.

(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 993 (AB 1843) Baker Crimes against the elderly

Existing law provides that probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for any person who commits or attempts to commit any of various crimes, including assault, robbery, or murder, against certain disabled persons or against a person who is 60 years of age or older and who, in the course of committing the offense, inflicts great bodily injury upon the person The existence of such facts must be alleged in the information or indictment, and either admitted by the defendant or found to be true.

This bill would provide that except in unusual cases, as specified, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for any person convicted of having committed assault with a deadly weapon or instrument, battery which results in physical injury which requires professional medical treatment, robbery, or mayhem against a person who is 60 years of age or older The existence of such facts would have to be alleged in the information or indictment, and either admitted by the defendant or found to be true.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 impose a state-mandated local program by increasing the length of possible confinement of certain criminal defendants by local authorities

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 994 (AB 562) Kelley Agricultural quarantines

(1) Under existing law, any violation of laws relating to agricultural quarantines is an infraction for the first offense and a misdemeanor for a second or subsequent offense, as specified. It is a violation for the operator of any vehicle to fail to stop upon demand of a plant quarantine officer or an officer of the California Highway Patrol for the purpose of determining whether a quarantine is being violated.

Plant quarantine officers and officers of the California Highway Patrol are expressly authorized to cite persons for infractions committed in violation of these laws

This bill would specifically authorize these officers to cite persons for any violation of the quarantine laws, whether an infraction or a misdemeanor, and would make a corresponding change in the provisions requiring vehicle operators to stop upon demand

(2) Under existing law, it is unlawful for any person to refuse to comply with any agricultural quarantine regulations established by the Director of Food and Agriculture.

This bill would make it unlawful to move into California any outdoor household articles from a federally designated high-risk gypsy moth area unless accompanied by certification that the article has been inspected, as specified, and does not contain gypsy moth egg masses. The bill would impose a state-mandated local program because violations of the prohibition in the bill would be an infraction or misdemeanor pursuant to other provisions of existing state 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

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

Ch 995 (AB 667) Alatorre Schools· leased facilities

(1) Existing law establishes various standards and procedures relating to the leasing of school buildings, sites, and facilities

Under existing law, the governing board of a school district is authorized to lease buildings and other facilities for a period not to exceed 12 years

This bill would extend the limitation on these leases from 12 years to 16 years

(2) This bill would also exempt from certain building standards, buildings leased exclusively for adult education purposes which are being leased or which may be leased on or after the effective date of this bill This bill would also require the governing board

to conspicuously post a public notice on any exempt building stating that the building does not meet earthquake safety standards This bill would make these provisions applicable only to school districts with an average daily attendance of 400,000 or more

(3) Existing law specifies that notwithstanding any other provision of law to the contrary, the governing board of a school district whose average daily attendance is 400,000, or more, may lease buildings and facilities, as prescribed, for a period of not to exceed 16 years

This bill would authorize the governing boards of these school districts, at the expiration of these leases, to lease these buildings and facilities for an additional period of not to exceed 16 years

(4) Existing law authorizes governing boards of school districts to use schoolbuses to transport persons for community recreation purposes

This bill would authorize the governing boards to contract with the Los Angeles Olympic Organizing Committee to lease equipment, including schoolbuses, and to provide transportation for Olympic game participants during the period of June 1, 1984, through August 31, 1984.

(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 create a state-mandated local program by requiring governing boards to post public notices on buildings exempted from certain building standards

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

Ch. 996 (SB 1282) Johnson Japanese beetle

Under existing law, the Director of Food and Agriculture is authorized to take specified actions to eradicate or control agricultural pests.

This bill would require the director, in cooperation with other federal, state, and local agencies, to take any steps which are prudent, necessary, legal, and appropriate to protect the health and safety of the people of California to accomplish the eradication of the Japanese beetle

The bill would appropriate $1,533,346 from the General Fund to the Department of Food and Agriculture for the purpose of eradicating the Japanese beetle as prescribed in the bill, but would declare legislative intent that the department utilize any existing financial resources available for these purposes prior to expending any of the appropriated funds.

The bill would require the department to report to the Legislature, on or before February 1, 1984, on the status of the formulation of Oftanol being used in the eradication program and on the overall progress of that program

The bill would take effect immediately as an urgency statute.

Ch. 997 (AB 101) Moore Landslide hazard identification program

The Division of Mines and Geology of the Department of Conservation, among other things, is empowered to conduct geological investigations to identify and provide timely delineation of geological hazards in and adjacent to metropolitan areas

This bill would enact the Landslide Hazard Identification Act, which would require the Director of Conservation to establish a program in the division, among other things, requiring the State Geologist, based on guidelines and priorities to be adopted by the State Mining and Geology Board, to develop maps of landslide hazards, as defined, within urban and urbanizing areas of the state, as specified The bill would express legislative intent that, for the 1983–84 fiscal year only, the state costs of implementing the act be funded from existing resources The bill would require the director to report to the Legislature annually, on or before December 30, on the implementation of the program by the department and cities and counties The act would be repealed on January 1, 1989, unless a later enacted statute deletes or extends that date

Ch 998 (AB 1728) Bates Employment assistance

State law contains various provisions for assistance to unemployed persons

This bill provides for assistance from various existing government programs and state agencies to corporations on the verge of closing plants and the employees affected, to enable the employees to assume ownership of businesses of the corporations

This bill would also provide that the Department of Economic and Business Development perform specified functions and activities related to assisting employees in the formation of an employee-owned corporation if state funds are appropriated by the Legislature for that purpose.

Ch 999 (SB 1083) Nielsen Agricultural vocational education advisory committee

Existing law gives the Superintendent of Public Instruction the responsibility of establishing and convening an advisory committee of agriculturists to develop recommendations for state programs in agricultural vocational education. Existing law also provides that recommendations shall be made on or before January 1, 1983, and that the committee be terminated June 30, 1983

This bill would, instead, require the State Director of Vocational Education to establish and convene an Agricultural Advisory Committee to advise, in an ongoing manner, certain state entities on policy matters pertaining to the state program of agricultural vocational education and would require the committee to operate in accordance with the established policies of the State Department of Education

This bill would specify the composition of the advisory committee and would require the State Supervisor of Agricultural Education to serve as the committee consultant

Ch 1000 (SB 80) Ellis Highway contract carrier permits foreign corporations, foreign commercial vehicles driver's licenses use fuel tax

(1) Existing law, with certain exceptions, requires vehicular users of fuel to obtain a use fuel tax permit and pay the tax thereon, unless the fuel is obtained from a vendor who pays the tax

This bill would require the State Board of Equalization to assess a $500 penalty against persons violating the requirement for a use fuel tax permit, and would make this penalty a lien on specified vehicles, which could be impounded to effect collection

(2) Nothing in existing law authorizes the State Board of Equalization to issue temporary use fuel trip permits to holders of trip permits issued under the Vehicle Code

This bill would authorize the issuance of use fuel trip permits to holders of trip permits issued under the Vehicle Code, and would be applicable to fuel brought into the state in the fuel tank of the vehicle and to fuel delivered into the fuel tank of the vehicle by an in-state vendor while the vehicle is operating under the trip permit The bill would require a $30 fee for a use fuel trip permit. The bill would authorize the board to deny repeat permits to users who bring vehicles into this state on a regular, ongoing basis The bill would authorize the board to enter into an agreement with the Department of Motor Vehicles providing for the issuance of the permits

(3) Existing law provides, as an alternative to the registration in this state of a commercial vehicle meeting the registration requirements of a foreign jurisdiction when registration in this state is otherwise required, for the issuance of a 4-day trip permit, a 90-day temporary registration, or fleet registration when there are 3 or more vehicles involved

This bill would prohibit a temporary 90-day registration to a vehicle ~~owned by a California resident, except where the vehicle is leased to a foreign carrier and operated pursuant to authority of the Interstate Commerce Commission or Public Utilities Commission~~ [based in this state and operated by a person having an established place of business in this state]*, and to a vehicle registered in any jurisdiction with which this state does not have reciprocity unless the Reciprocity Commission after hearing extends this privilege It would require any owner or lessor of a commercial vehicle, with primary registration and plates from another jurisdiction not granting reciprocal privileges to California owners of commercial vehicles, which has over 7,000 pounds unladen weight and is used for the transportation of property in the conduct of a business, to submit to the Department of Motor Vehicles proof of ability to respond in damages issued by a California insurer It would prohibit fleet registration to owners and lessors of commercial vehicles with primary registration and plates issued by a foreign jurisdiction which does not grant reciprocity or proportionate registration to residents of this

state operating commercial vehicles within the foreign jurisdiction

(4) Under existing law, subject to specified conditions, any person over 16 years of age who is a resident of a foreign jurisdiction, with specified exemptions, is authorized to operate a motor vehicle in this state without obtaining a driver's license from the department, if the person possesses a valid driver's license issued to him by a foreign jurisdiction with licensing standards deemed by the department equivalent to those of this state

This bill would include within the specified exceptions the Dominion of Canada so that residents thereof with a valid driver's license may operate a motor vehicle in the state without obtaining a driver's license issued by the department

The bill would require any person from any foreign country, with specified exceptions, to obtain a class 1 or class 2 license and a medical examination form completed by a physician licensed to practice in the United States before operating a vehicle for which a class 1 or class 2 license is required on the highways This requirement would not, however, apply to operating a schoolbus for educational purposes or to operating a vehicle used to provide services of a local public agency

(5) The bill would also designate these provisions as the "Trucking Reciprocity Act of 1983" and declare the intent of the Legislature in enacting these provisions.

Ch 1001 (SB 758) Ellis Mexican border vehicle inspections

Existing law does not require the Department of the California Highway Patrol to acquire a vehicle for making registration and commercial safety inspections at Mexican border crossings

This bill would impose such a requirement, and would appropriate $24,500 from the Motor Vehicle Account in the State Transportation Fund to the department to purchase the vehicle and computer equipment for it

Ch 1002 (SB 1217) Marks Health care facilities

(1) Under existing law, the Department of Health Services is required to obtain criminal records on certain persons associated with any intermediate care facility/developmentally disabled habilitative prior to issuing a license to determine if they have been convicted of any crime other than a minor traffic violation

This bill would include direct care staff, as defined, among those on whom the department must obtain a criminal record and would require that the department obtain such criminal record prior to initial licensure or renewal of a license

(2) Under existing law, "hospital building" is defined as not including specified buildings for purposes of the Hospital Seismic Safety Act of 1982

This bill would specify that, for purposes of the act, "hospital building" does not include any building licensed to be used as an intermediate care facility/developmentally disabled habilitative with 6 beds or less and any intermediate care facility/developmentally disabled habilitative of 7 to 15 beds which is a single story, wood-frame building.

Ch. 1003 (AB 980) Moorhead Health facilities licensing

Existing law defines "health facility" for the purpose of licensing, and lists and defines different types of health facilities, including "general acute care hospital" and "general acute care/rehabilitation hospital." "General acute care hospital" is defined by current law to mean a health facility having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides 24-hour inpatient care, including medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services

This bill would delete the definition of "general acute care/rehabilitation hospital" and would permit a general acute care hospital to include more than one physical plant maintained and operated on separate premises if certain conditions are met The bill would provide that a general acute care hospital which exclusively provides acute medical rehabilitation center services, including at least physical therapy, occupational therapy, and speech therapy, may provide for the required surgical and anesthesia services through a contract with another acute care hospital In addition, the bill would permit a general acute care hospital which, on July 1, 1983, provided required surgical and anesthesia services through a contract or agreement with another acute care hospital to continue to provide required surgical and anesthesia services through a contract

or agreement with an acute care hospital The bill would also specify that services provided in a mental institution operating under a consolidated license with a general acute care hospital shall not be included in Medi-Cal benefits, except as otherwise specified

Ch 1004 (SB 542) Davis California Highway Patrol limited-duty positions

Existing statutes do not specify whether each member of the California Highway Patrol is required to be capable of fulfilling the patrol's complete range of official duties and other critical duties that may be necessary for preservation of life and property Existing law does not preclude the assignment of members of the patrol to permanent limited duty positions

This bill would enact these provisions, but would exempt persons who sustain serious job-related physical injuries, who return to duty, and who receive a written commitment from the appointing power before January 1, 1984, allowing continued employment The bill would specify that it is not intended to either entitle or preclude receipt of an industrial disability retirement

Ch 1005 (AB 373) Bergeson Motor vehicles. possession of marijuana

(1) Under existing provisions of the Vehicle Code, it is an infraction to possess an open container of an alcoholic beverage while a driver or passenger in any motor vehicle upon a highway No similar Vehicle Code prohibition applies to possession of marijuana while driving a vehicle

However, existing provisions of the California Uniform Controlled Substance Act make it a misdemeanor punishable by a maximum fine of $100 for any person to possess not more than one ounce of marijuana, other than concentrated cannabis, as defined. These existing provisions require that a person convicted of the offense with 3 or more prior convictions within the 2-year period preceding the offense be diverted and referred by the court to a community program for evaluation, treatment, or rehabilitation and not be subject to the fine These existing provisions also require that a person arrested for this offense be released upon presenting satisfactory evidence of identity and giving a written promise to appear

This bill would impose the same penalties and provisions for any person who possesses not more than one ounce of marijuana, other than concentrated cannabis, while driving a motor vehicle

(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 impose a state-mandated local program by creating a new crime

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

Ch 1006 (AB 2137) Peace Mosquito abatement.

Under existing law, various provisions provide for the abatement of mosquitoes

This bill would appropriate $30,000 from the General Fund to the Controller for allocation to the County of Imperial for the purpose of increased surveillance and control of mosquito vectors of encephalitis, as specified

The bill would take effect immediately as an urgency statute

Ch. 1007 (SB 156) Robbins. Fiscal affairs

Existing law provides for the transfer of $21,500,000 from the Off-Highway Vehicle Fund to the General Fund

This bill would require the Controller to transfer up to $21,500,000 from the General Fund to the Off-Highway Vehicle Fund if, at any time on or after July 1, 1984, the Director of Finance determines that the Off-Highway Vehicle Fund has become, or is about to become, encumbered in excess of the moneys available in the fund

Ch. 1008 (SB 180) Carpenter Alcoholic beverages club licenses

Existing law provides for the issuance of a club license for the sale of alcoholic beverages to specified organizations

This bill would authorize the Department of Alcoholic Beverage Control to issue a club license to certain local dental societies, as defined, which do not discriminate or restrict membership, as specified

Ch 1009 (AB 797) Klehs Water management planning

(1) Under existing law, local water suppliers may, but are not required to, adopt and enforce water conservation plans

This bill would require every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually to prepare and adopt, in accordance with prescribed requirements, an urban water management plan containing prescribed elements The bill would require the plan to be filed with the Department of Water Resources, and would require the department to annually prepare and submit to the Legislature a report summarizing the status of the plans The bill would require each supplier to periodically review its plan in accordance with prescribed requirements, would specify requirements for actions or proceedings arising under the bill, and would specify related matters.

The bill would make legislative findings and declarations in this connection

The provisions of the bill would remain in effect only until January 1, 1991

(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 impose a state-mandated local program as its requirements would be applicable to local public agencies

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

Ch 1010 (SB 1093) Hart Child support

Existing law relating to the enforcement of judgments provides that if money is owing and unpaid to the judgment debtor by a public entity, as defined, the judgment creditor may file an abstract of the money judgment or a certified copy thereof, together with an affidavit, as specified, to obtain satisfaction of the judgment It requires the judgment creditor to serve notice on the judgment debtor either personally or by mail

This bill would provide that if the judgment is for child support and money is owing and unpaid to the judgment debtor by a state agency as a result of overpayment of a personal income tax penalty or interest, or interest allowable with respect to an overpayment, a district attorney may present the claim or claims, as specified

Existing law requires the judgment creditor to file the abstract or certified copy of the judgment and the affidavit with the state agency owing the money to the judgment debtor prior to the presentation of the claim to the Controller by the agency. It requires the Controller to discharge the claim of the judgment debtor, to deposit with the court the amount due the judgment debtor, and to pay the balance thereof to the judgment debtor, as specified

This bill would provide that where an affidavit states the existence of a judgment for child support it shall be filed with the State Department of Social Services, and no abstract need be filed It would provide that such a filing is sufficient to require the Controller to transfer the funds claimed by the judgment debtor, notwithstanding that the claim has been filed with another state agency

This bill also would provide that to discharge the claim of a judgment debtor, where such an affidavit has been submitted to the State Department of Social Services, the Controller shall direct payment to the county agency designated by the district attorney in the affidavit The bill would also specify methods to discharge the claim of a judgment debtor in cases where the judgment is for child support and the money owed is a refund of overpayment of taxes, penalty, interest, or interest allowable with respect to an overpayment as specified, or where the claim of the judgment debtor is less than $10 and the claim of the judgment debtor arises under an affidavit, as specified Insofar as the bill would require the submission of claims by the district attorney in cases in which AFDC is not being received by the child, it would impose a state-mandated local program Where 2 or more district attorneys submit claims on behalf of a judgment creditor,

the Controller in his or her discretion would be authorized to select which claim or claims to honor Any claims which are honored in behalf of a judgment creditor would be considered as refunds of tax overpayments to the judgment debtor.

Existing law requires the court clerk to cause a notice of deposit by the public entity to be served personally or by mail on the judgment debtor

This bill would provide that, in lieu of the notice of deposit, where a state agency has been served with an affidavit, as specified, the state agency shall cause a notice of deposit to be sent to the judgment debtor instructing the judgment debtor to file any and all requests for relief with the district attorney who filed the affidavit or the court clerk under specified circumstances

Existing law provides that the filing of the abstract or certified copy of the judgment and the affidavit creates a lien on the money owing and unpaid to the judgment debtor by the public entity in an amount equal to that which may be properly applied to the satisfaction of the money judgment, as specified

This bill would additionally provide that the filing of an affidavit, as specified, applies to all overpayments of tax, penalty, interest, or interest allowable with respect to an overpayment which the judgment debtor subsequently claims, as specified

Existing law relating to the enforcement of judgments expressly provides that it does not authorize the filing against an overpayment of tax, penalty, or interest under the Personal Income Tax Law, among other provisions.

This bill would make an exception thereto for sums due and unpaid under a judgment for child support

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.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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. 1011 (AB 1723) W. Brown. Depository institutions.

Existing law prescribes the rules governing the bank collection process

This bill would specify the conditions under which an intermediary or payer bank may return an unpaid item directly to the depository bank and obtain reimbursement.

Existing law provides that, subject to any right of the bank to apply the credit to an obligation of a customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right when a provisional settlement for an item received by the bank becomes final and the bank has had a reasonable time to learn the settlement is final

This bill would provide instead that credit given by a bank or other depository institution for an item deposited in an account with its customer becomes available for withdrawal as of right in any case where a bank or other depository institution has received a provisional settlement for an item, at the expiration of a reasonable time for the collection and return of that item as prescribed in specified regulations of appropriate state regulatory agencies unless the bank or other depository institution has received notice that the settlement will not become final, or, if there are no such regulations, when the settlement becomes final and the bank or other depository institution has had a reasonable time to receive notice of the return of the item It would also provide that the terms of the above provisions and the regulations issued pursuant thereto may not be varied by agreement.

The bill would also provide that prior to the opening of a deposit account, a depository institution, as defined, shall provide a written disclosure to the potential customer of its general policy with respect to when a customer may withdraw funds deposited by check or other similar instrument into the customer's deposit account, as defined. The bill

would make related changes and provide for civil liability for a violation of those provisions

The bill would also require the appropriate state regulatory agencies to issue regulations to define a reasonable time for permitting customers to draw on items received for deposit in the customer's account, as specified. It would also specifically authorize those agencies to issue regulations which provide for different periods of time for withdrawal as a matter of right of deposited items if there has been a determination that the application of those regulations would result in unsafe or unsound practices

The bill would additionally state legislative intent

Ch 1012 (AB 1095) Tanner Motor vehicle fuels gasoline and alcohol.

(1) Existing law provides that it is a misdemeanor to sell a product which is a mixture of gasoline and alcohol unless there is conspicuously displayed on the dispensing device at least one sign or label showing the minimum octane number or antiknock index of the product

This bill would provide, in addition, that it is a misdemeanor to sell a motor vehicle fuel which contains at least 1% by volume ethanol (ethyl alcohol) or methanol (methyl alcohol), or a combination thereof, unless there is conspicuously displayed on the dispensing device at least one of the specified statements on a sign or label The bill would also require any gasoline blend containing methanol, except those blends previously granted a waiver by the Environmental Protection Agency, to contain an alcohol cosolvent (butanol or higher molecular weight alcohol) in an amount equal to or greater than the volume percentage of methanol The bill would thus impose a state-mandated local program by creating a new crime

The bill would further require any manufacturer, hauler, blender, agent, jobber, consignment agent, or distributor who distributes motor vehicle fuel products which contain at least 1% alcohol by volume to state on any invoice, bill of lading, shipping paper, or other documentation used in normal and customary business practices, the percentage of alcohol, the type of alcohol, and, except on documentation certifying the octane rating of gasoline as required by federal law, the minimum antiknock index number of the products distributed A violation of this requirement would constitute a misdemeanor, and thus the bill would impose a state-mandated local program by creating a new crime

The bill would require copies of the above documentation to be available for inspection by representatives of the Department of Food and Agriculture, as specified

The bill, in addition, would define volume of alcohol for purposes of determining the percentage of a motor fuel, including gasohol, which consists of alcohol.

(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. 1013 (SB 417) Mello Housing

(1) Existing law authorizes housing authorities to arrange or contract for the furnishing of services, privileges, work, or facilities for housing projects, as defined, assisted pursuant to a specified provision of law Existing law also authorizes housing authorities to lease or rent dwellings, among other things, in housing projects, as defined, assisted pursuant to that specified provision of law

This bill would, instead, authorize housing authorities to engage in the above activities for any housing project, as defined, or any project assisted pursuant to the specified provision of law

(2) Existing law specifies that the rate of interest, subject to a specified exception, required to be paid on loans made from the Housing Predevelopment Loan Fund, the Urban Housing Development Loan Fund, and the Rural Land Purchase Fund shall be the same as the average rate returned by the Pooled Money Investment Board for a specified period of time

This bill would, instead, provide that the balance of any loans made from those funds

which remain unpaid on the effective date of the bill, except any portion which is delinquent, or which are made on or after that date, shall bear interest at a rate of 7% per annum.

(3) Existing law requires the State Department of Developmental Services or the State Department of Mental Health to review applications for assistance in obtaining housing subsidies for housing for developmentally disabled, mentally disordered, or physically disabled persons.

This bill would delete that review requirement

(4) Existing law requires that a specified percentage of rental housing units assisted pursuant to the rental housing construction program be available to elderly or handicapped households.

This bill would require the handicapped households to be physically handicapped but would specify that other handicapped households are eligible for assisted units pursuant to other specified provisions if they otherwise meet the requirements imposed by those provisions.

(5) Under the existing Subdivision Map Act, the legislative bodies of local agencies have the responsibility for the regulation and control of the design and improvement of subdivisions, as defined

This bill would exempt the construction, financing, or leasing of specified dwelling units, and second units, as defined, from that act

(6) Under existing law, discretionary projects proposed to be carried out or approved by public agencies, including, among other things, the enactment and amendment of zoning ordinances are subject to the California Environmental Quality Act

This bill would exempt the adoption of an ordinance by a city or county implementing specified provisions of existing law relating to the construction of dwelling units and second units from the California Environmental Quality Act

(7) This bill would reappropriate $2,500,000 of the amount appropriated by a specified item of the Budget Act of 1982 to the Farmworker Housing Grant Fund for expenditure by the Farmworker Housing Grant Program, and would make the money so transferred available for expenditure without regard to fiscal year

(8) The bill would make another technical, nonsubstantive change

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

Ch 1014 (AB 1251) Moore California State University student charges

Under existing law, the Trustees of the California State University impose various fees on students for specified services.

This bill would require that student charges imposed at the California State University be set and adjusted according to a specified formula The provisions of this bill would be operative commencing with the academic year which begins after July 1, 1984

Ch 1015 (AB 829) Johnston Community care facilities developmentally disabled children

(1) Existing provisions of the California Community Care Facilities Act define and differentiate various categories of community care facilities One such type of community care facility is the small family home which provides 24-hour care for six or fewer foster children who are mentally disordered, developmentally disabled, or physically handicapped and who require special care and supervision as a result of their disabilities

This bill would specify that nothing in the definition of small family home be construed to preclude placement of mentally disordered or physically or developmentally disabled children into other types of community care facilities that meet the needs of the individual placed The bill would specify conditions for placement of these children in foster family homes The bill would impose a state-mandated local program, because any person making a placement contrary to these conditions would be guilty of a misdemeanor.

(2) Existing law expressly does not preclude children with varying designations and needs from being placed in the same community care facility, except where prohibited, if the facility is licensed and has a special permit, if necessary, to meet the needs of children so placed

This bill would, instead, authorize such placements under the above conditions, but would also expressly require the licensee to comply with licensing requirements rele-

vant to the protection of the child.

(3) The bill would waive outstanding audit exceptions for the 1981–82 fiscal year for the 7 bay area child development programs serving severely handicapped children, except where there is evidence of fraud, if certain conditions are met, and would provide that in future fiscal years these programs shall be subject to the provisions of the normal contracting process.

(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. 1016 (AB 2102) Agnos Felons. proceeds.

Existing law makes a person a trustee of things gained by a wrongful act, for the benefit of the person who would otherwise have had it. Existing law also authorizes the imposition of a fine against the perpetrator of specified crimes, for deposit in a specified fund to benefit victims of crime and others

This bill would provide that proceeds of the preparation or sale by a convicted felon of the story of a felony are subject to an involuntary trust. It would provide that beneficiaries of that trust are those persons who have a right to recover damages against the convicted felon for injury or loss caused by the crime, those who are entitled to recover damages under specified statutory provisions, and certain beneficiaries under a will.

The bill would provide procedures relative to the determination of such claims. It would provide for the payment of certain fines and obligations to governmental entities and the payment of costs of defense and reasonable attorney's fees prior to the distribution of proceeds to beneficiaries. The bill would permit the Attorney General to bring an action to require the proceeds to be held in trust in a bank, as specified

The bill would state that it amplifies, supplements, and is declaratory of existing law.

The bill would take effect immediately as an urgency statute

Ch. 1017 (SB 589) Seymour Vehicles theft investigations, emergency vehicles, and removal of vehicles

(1) Under existing law, members of the California Highway Patrol, city police departments, and sheriffs' departments whose primary responsibility is vehicle theft investigations may, for the purpose of determining rightful ownership or possession, inspect vehicles of a type requiring registration in any public garage, repair shop, parking lot, new or used car lot, automobile dismantler's lot, vehicle shredding facility, vehicle leasing or renting lot, vehicle equipment rental yard, vehicle salvage pool, or similar establishment.

This bill would expand the purposes for which these inspections may be made to include determining rightful ownership or possession of identifiable vehicle components, as defined.

(2) Under existing law, peace officers and certain county and city employees may remove a vehicle from a highway for specified reasons. A vehicle left unattended on specified types of freeways for more than 4 hours may be so removed, unless it is highway maintenance or construction equipment

This bill would revise the above provisions to authorize removal of a vehicle stopped, parked, or left standing, rather than left unattended, for 4 hours and the driver, if present, cannot move the vehicle under its own power.

(3) Under existing law, emergency vehicles may be equipped with a system which alternately flashes each upper-beam headlamp Under existing law, these systems are required to be approved by the California Highway Patrol and cannot be operated during darkness.

This bill would delete the requirement for approval by the California Highway Patrol and the prohibition against operating during darkness

(4) This bill would amend Section 22651 of the Vehicle Code to incorporate the changes proposed by both this bill and AB 1085, if both bills are enacted and become effective January 1, 1984, and this bill is enacted last

Ch 1018 (AB 1734) Filante. Health: Medi-Cal.

Under existing law, relating to health planning, the Office of Statewide Health Planning and Development is required to issue a certificate of need to health facilities before certain projects can be undertaken

This bill would exempt projects for freestanding outpatient surgery units performing cataract surgery under the Medi-Cal program

Existing law authorizes the State Department of Health Services to contract with one or more health plans in order to provide benefits to persons eligible under the Medi-Cal program.

This bill would provide that, in instances where both parties have reason to believe that their contract renewal process will not be completed prior to the termination date of an existing contract, an existing contract would be generally extended during the period of negotiations regarding its renewal, for a period not to exceed 2 months The bill would also enact provisions concerning terms of the extension of these contracts, as well as procedures for obtaining approval of an extension.

Existing law provides that hospitals which are not selected for contracting by the State Department of Health Services and which have negotiated in good faith to obtain a contract need not fulfill specified preexisting obligations relating to the provision of inpatient services to Medi-Cal beneficiaries

This bill would exempt a hospital from fulfilling specified preexisting obligations relating to the provision of those services whether or not the hospital negotiates to obtain a contract if the hospital predominantly serves, or will predominantly serve, members of a health maintenance organization that has negotiated in good faith to obtain a prepaid contract, as specified

This bill would take effect immediately as an urgency statute

Ch 1019 (AB 751) N. Waters Water agencies

(1) Under existing law, the Colorado River Board of California consists of 9 members appointed by the Governor, 3 of whom are public members, and the Director of Water Resources and the Director of Fish and Game Chapter 564 of the Statutes of 1983 reduces the membership to 7 members, one of whom is a public member

This bill would provide for 8 members on the board, 2 of whom are public members, until July 1, 1985, and thereafter provide for 7 members, one of whom is a public member.

(2) Under existing law, the board of directors of the Amador County Water Agency may authorize each director to receive compensation not exceeding $50 per day for each day's attendance at meetings, or for each day's service rendered as a director by request of the board, not exceeding a total of 6 days in any calendar month, together with any expenses incurred in the performance of his duties required or authorized by the board

This bill would increase that maximum amount to $100 per day

Ch 1020 (SB 951) Robbins Health insurance. jurisdiction of agencies

Existing law provides 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.

This bill would, until January 1, 1986, exempt from those provisions certain employee welfare benefit plans established pursuant to the federal Employee Retirement Income Security Act of 1972, under specified conditions

Ch 1021 (SB 421) Presley Government

(1) Under existing law, moneys in a County Criminal Justice Facility Temporary Construction 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

(2) Under existing law, the Marshal of the Desert Judicial District and the Marshal of the Riverside Judicial District are elected by the voters of their respective districts

This bill would authorize the Board of Supervisors of Riverside County to submit to the voters of the county the question whether the Marshal of the Desert Judicial District and the Marshal of the Riverside Judicial District shall be appointed by judges of the

respective district rather than elected. If the voters favor appointment rather than election, the terms of office of the incumbents would not be affected, and the offices would be filled by appointment whenever those offices become vacant or on the expiration of the current terms, the appointees to serve at the pleasure of the judges of the district.

(3) There are no provisions of existing law which require wards of the Youth Authority to perform work necessary and proper to construct, renovate, or maintain facilities of the Youth Authority

This bill would authorize the Director of the Youth Authority to require wards to perform such work. It would also authorize the Youth Authority to prepare plans for and renovate or maintain facilities of the Youth Authority with hired or staff labor forces, so long as wards of the Youth Authority are utilized as a majority of the labor force and so long as the estimated cost of the project, if contracted, does not exceed $200,000, as specified.

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

Ch. 1022 (SB 300) Foran Human remains

(1) Existing law does not prohibit the cremation of, or the scattering or commingling of the cremated remains of, one person with the remains of another person

This bill would prohibit these acts without the express written permission of the person entitled to control the disposition of the remains, as specified This bill would impose a state-mandated local program by making violation 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 1023 (AB 1865) Agnos Pharmacy

Existing law authorizes the State Board of Pharmacy to issue a license to an applicant who, among other things, was a nonresident of the United States for at least 5 of the 10 years prior to enrollment in a foreign pharmacy school and who has graduated from a foreign pharmacy school if that applicant has completed, in the foreign pharmacy school or by combination of coursework in the foreign pharmacy school and a college of pharmacy recognized by the board, the courses established by the board as being equivalent to those required for domestic graduates

This bill would also authorize the issuance of a license if the nonresident applicant who meets those educational requirements has received a grade satisfactory to the board on an examination designed to measure the equivalency of foreign pharmacy education with that required of domestic graduates

Ch. 1024 (SB 260) Torres School districts. purchase without estimates or bids instructional computer software packages

Under existing law, the governing board of any school district or any community college district may purchase certain instructional materials without taking estimates or advertising for bids

This bill would include instructional computer software packages among those materials which may be purchased by a school district governing board or a community college district without competitive bidding

This bill would repeal these provisions January 1, 1989

Ch 1025 (AB 1703) Elder Environmental quality environmental impact reports.

Under the California Environmental Quality Act, lead public agencies, state and local, are generally required to prepare or cause to be prepared by contract, and certify the completion of, an environmental impact report on any discretionary project, as defined, they propose to carry out or approve which may result in a substantial, or potentially substantial, adverse impact on the environment. Under state guidelines implementing the act, copies of draft reports are made available to the public and, when the lead

agency is a state agency, a copy of the final report is filed with the planning agency of any city or county which will be affected by the project

This bill would also require that a copy of the notice of completion of an environmental impact report on a project be provided by the State Clearinghouse to any legislator in whose district the project has an environmental impact, if the legislator requests the notice and the State Clearinghouse has received it.

Ch 1026 (AB 1880) Bronzan. Physician's assistants.

Existing law provides for the licensure of a physician's assistant and specifies various functions to be performed by the Division of Allied Health Professions of the Board of Medical Quality Assurance and the Physician's Assistant Examining Committee in connection with such licensure

This bill would revise various provisions relating to the licensure of physician's assistants, including the qualification requirements for issuance of a license by the committee, renewal of a license of a physician's assistant and an approval of a physician's application to supervise a physician's assistant, licensure and approval fees, and the specific functions to be performed by the committee and the board

The bill would also revise the composition of the Physician's Assistant Examining Committee and the procedures governing its functions

Ch. 1027 (SB 520) Craven Courts fees.

Existing law authorizes various court fees

This bill would authorize the Board of Supervisors for San Diego County to establish municipal court administrative assessments, not to exceed $10, to cover the costs of moving violations records and the cost of notifying the Department of Motor Vehicles, as specified, and to establish a fee for the processing of accounts receivable, not to exceed $30 These programs would be authorized to be implemented on a demonstration basis between January 1, 1984, and January 1, 1986

Ch 1028 (SB 500) Davis. Youth

The California Public Records Act provides that the public records, as defined, of state and local agencies, including the Youth Authority, are open to inspection, except as specified

This bill would require that certain information in the possession of the Youth Authority concerning specified persons committed to its jurisdiction by a court of criminal jurisdiction shall be disclosed to any member of the public upon request

Ch 1029 (AB 1053) Bane Barbering

Existing law specifies the qualifications for a person who is applying for a certificate as a registered apprentice in barbering, and requires, among other things, that an applicant be under the supervision of a registered barber instructor for the first 3 months of apprenticeship training or complete a minimum of 39 hours of preapprentice training, as specified

This bill would authorize an applicant to have at least 6 months past training or experience in the same subject as determined by a local joint apprenticeship training committee in lieu of the 39 hours of preapprenticeship training.

Ch. 1030 (SB 423) Johnson. Health facilities. certificate of exemption.

Existing law exempts certain expansion projects of existing skilled nursing or intermediate care facilities from the certificate-of-need requirement under the state health planning laws if the project does not add more than 10 beds to the facility

This bill would exempt projects to add not more than 5 beds to existing skilled nursing facilities which are operated as a distinct part of a primary health service hospital, if specified conditions exist

This act would take effect immediately as an urgency statute.

Ch 1031 (AB 1667) Connelly Medically needy persons

Existing law provides that one of the services covered under the Medi-Cal program is care received in skilled nursing or intermediate care facilities.

Existing law provides for the medically needy category of eligibility under the Medi-Cal program, under which persons who would qualify for specified public assistance

programs but for their income or resources are still eligible for Medi-Cal if they have insufficient income to pay for the cost of health care. Under this category, however, individuals may be required to pay a share of costs in order to fulfill eligibility requirements.

This bill would provide that the community property interest of a noninstitutionalized spouse in the unearned income of the other spouse shall not be considered as available income to the spouse living in a skilled nursing facility or intermediate care facility for purposes of determining Medi-Cal eligibility if the spouses are not in the same Medi-Cal budget unit

The bill would further specify that the community property interest of the institutionalized spouse in the unearned income of the noninstitutionalized spouse would be deemed as available income to the institutionalized spouse.

The bill would further provide that any federal waivers necessary in order to implement provisions of this act shall be sought by the State Department of Health Services, but that failure to obtain any necessary waivers shall not affect implementation of any provisions for which waivers are not necessary or for which waivers are obtained

The bill further provides that the provisions of the act shall be implemented pursuant to adoption of emergency regulations.

Ch 1032 (AB 1851) Clute. Community colleges: students. removal, suspension, and expulsion

(1) Existing law requires the governing board of each community college district to adopt regulations concerning the suspension and expulsion of students, as specified. Existing law authorizes the governing board, the chief administrator of a community college, or an instructor to suspend a student in accordance with the requirements of existing law Existing law specifies that no suspension shall exceed 5 days of instruction, unless expressly provided otherwise by regulations of the district governing board, and limits the time period of any suspension to 10 days of instruction.

This bill would repeal these provisions of existing law

This bill would require the governing board, the president of a community college or his or her designee, or an instructor, as specified, to suspend or expel a student for good cause, as defined, or when the continuing presence of a student causes a continuing danger to the physical safety of the student or others

This bill would authorize the president of a community college or his or her designee, in accordance with the adopted rules of student conduct for the district, to suspend a student from one or more classes for a period of up to 10 days of instruction, from one or more classes for the remainder of the school term, or from all college classes and activities for one or more terms. This bill would prohibit a suspended student from enrolling in any community college of the district for the period of suspension This bill would authorize the president or his or her designee to impose lesser disciplinary sanctions than suspension, as specified

This bill would authorize an instructor to remove a student from his or her class for the day of the removal and the next class meeting, as specified

This bill would authorize the governing board to adopt additional rules and regulations not inconsistent with these requirements, including, among other things, specific rules and regulations governing student behavior, along with applicable penalties for violations, and appropriate due process procedures, including procedures by which students shall be informed of the adopted rules and regulations

This bill would impose state-mandated local costs by requiring community college districts to adopt rules and regulations revising existing procedures for the suspension and expulsion of community college students

(2) Under existing law, there are no statutory provisions requiring sheriffs and chiefs of police, upon the arrest of community college teachers or instructors for prescribed sex and narcotics offenses, to give written notice to the community college district employing the teacher or instructor or to the Office of the Chancellor of the California Community Colleges

This bill would require every sheriff or chief of police, upon the arrest of any teacher or instructor employed in a community college district for prescribed sex and narcotics offenses, to immediately notify by telephone the superintendent of the employing community college district and to immediately give written notice of the arrest to the Office

of the Chancellor of the California Community Colleges This bill also would require the district superintendent to immediately notify the governing board of the community college district employing the teacher or instructor.

(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. 1033 (AB 5) Campbell. Aquatic safety.

Existing law establishes the Harbors and Watercraft Revolving Fund, for certain specified uses by the Department of Boating and Waterways.

This bill would require the Department of Boating and Waterways, in cooperation with the Department of Education and other appropriate entities involved in water safety, as specified, to develop an aquatic safety program.

The aquatic safety program would be made available for use at an appropriate grade level in public elementary schools at no expense to the schools, and would be required to include an audiovisual instructional aid and parental involvement materials.

This bill would also provide that the Department of Boating and Waterways will act as a liaison between the schools and school districts and the other entities involved. It would also require the department to notify schools and school districts of the availability of the program once developed

Ch. 1034 (AB 663) Moore. Alcoholic beverages.

Existing law provides for fees with regard to those persons who are licensed by the Department of Alcoholic Beverage Control.

Existing law also provides that the Office of Administrative Law shall conduct hearings whenever the Department of Alcoholic Beverage Control (1) refuses to issue a license and the potential licensee petitions the department for a hearing, (2) approves a license which is objected to by another party, or (3) decides to take action against a licensee for violations of the Alcoholic Beverage Control Act or departmental regulations.

Existing law also provides, with limited exceptions, that any person requesting one of the above-mentioned hearings shall deposit $750 with the department prior to the time a hearing date is set by the department. If a proposed decision upholding the person requesting a hearing is subsequently filed with the department by the hearing officer conducting the hearing, the department shall refund the full amount deposited, however, if a proposed decision not upholding the person requesting the hearing is filed by the hearing officer conducting the hearing and the department subsequently finalized the decision, the person requesting the hearing shall pay the actual costs of the hearing to the department, as specified

This bill would repeal these provisions relative to a deposit of $750, and would substitute a requirement that the department establish a surcharge, as specified, applicable to licensees under the Alcoholic Beverage Control Act to cover the cost of hearings charged the department by the Office of Administrative Hearings.

This bill would take effect immediately as an urgency statute

Ch 1035 (AB 840) McAlister Unemployment insurance wrongful discharge

Existing law provides that an unemployed individual is not eligible for unemployment compensation benefits for any period for which the person receives an award or settlement of backpay resulting from an action or grievance for wrongful discharge.

This bill would provide that an unemployed individual who receives a backpay award or settlement for any period shall not be liable for any unemployment compensation benefits received for the same period if the amount of the backpay award or settlement is reduced by the amount of unemployment compensation benefits received. It would require the employer to reimburse the Unemployment Fund for the amount of the benefits It would provide that this amount and employer contributions to the Employment Training Fund are due and payable on the first day of the calendar month follow-

ing the close of each calendar quarter.

Existing law provides that unemployment compensation benefit award computations shall be based on wages paid in the base period.

This bill would provide that when an individual receives a backpay award or settlement, the backpay shall constitute wages paid in the base period for which it is awarded.

Ch. 1036 (AB 1528) Agnos Child support

Existing law provides that the court may order either, or both, parents to pay child support in any amount necessary for the support, maintenance, and education of the child. In making such a determination, the court must consider various factors, including, but not limited to, each party's earning capacity, needs, age, health, and standard of living, as well as the obligee's ability to engage in gainful employment without interfering with the interests of dependent children in his or her custody

This bill, operative July 1, 1984, would delineate an alternative procedure for the request of a modification of an order awarding child support, as specified. It also would make certain additional related changes contingent upon the enactment of SB 1213.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 1037 (AB 1015) Killea Hazardous waste. hauling and disposal

(1) Existing law requires every person who carries on, or engages in, the business of hauling hazardous waste, or who hauls hazardous waste as part of a business, except as specified, to register with the State Department of Health Services as a hazardous waste hauler and to transport that waste in a vehicle or tank inspected by the California Highway Patrol Existing law also requires that a person carrying or handling hazardous waste possess a specified document listing certain information concerning the waste

This bill would delete the requirement that the hazardous wastes be hauled by a person engaged in the business of hauling hazardous waste or who hauls hazardous waste as part of a business, and this would apply the registration requirement to every person who hauls hazardous waste. The bill would exempt from these provisions those persons hauling, for transfer, treatment, recycling, or disposal, to a permitted hazardous waste facility, hazardous wastes which they generated if the wastes do not exceed a total volume of 5 gallons or exceed a total weight of 50 pounds, if the wastes are hauled in a specified manner, and if the wastes are not listed as an extremely hazardous waste The bill would also prohibit the department from adopting any regulations requiring a person hauling hazardous wastes, who is not hauling these wastes as part of a business, to obtain a hazardous waste hauler's registration if that person meets these exemption requirements

(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, into an injection well, or into a landfarm

This bill would exempt from these taxation and reporting provisions those persons disposing of 500 pounds or less of hazardous waste

(3) The bill would make a statement of legislative intent.

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

Ch 1038 (AB 827) Johnson. Certificated employees: basic skills proficiency

(1) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of credentials Under existing law, commencing on February 1, 1983, the commission is prohibited from issuing initially any credential, permit, certificate, or renewal of an emergency credential, to any person to serve in the public schools unless the person has demonstrated proficiency in basic skills, as prescribed, or unless the person is exempt from this requirement.

Existing law requires the Superintendent of Public Instruction to adopt an appropriate state instrument to measure proficiency in basic skills, as prescribed.

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 exempt applicants for, and holders of, vocational designated subject credentials from the state basic skills proficiency test requirement. This bill would impose state-mandated costs by requiring the governing board of each school district employing a holder of a vocational designated subject credential to establish its own basic skills proficiency criteria for the holders of these credentials and to arrange for those individuals to be assessed This bill would require that the criteria adopted by the governing board be at least equivalent to the test required for graduation from high schools in the district, or in the case of consortia or joint powers agreements, in any of the participating districts, and would permit the governing board or boards to charge a fee to cover the costs of the test

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 1039 (AB 50) Agnos California Seniors' Fund.

Under the existing Personal Income Tax Law, there is no provision allowing taxpayers to contribute part of their income tax refunds or to designate amounts in excess of their tax liability for the support of the specific activities of older persons.

This bill would allow taxpayers for the 1983, 1984, and 1985 taxable years to designate on their tax returns that a contribution in excess of the tax liability, if any, be made to the California Seniors' Fund, which the bill would create

This bill would require the Franchise Tax Board to modify the form of tax returns to provide for the designation and to disclose the purposes for which the designated funds will be used

The bill would provide that all money transferred to the fund be continuously appropriated for allocation to the Franchise Tax Board for all costs incurred in connection with its duties under this act and to the California Commission on Aging for allocation to the California Senior Legislature for the conduct of its sessions, with the balance for the California Senior Legislature's ongoing activities on behalf of older persons and for senior citizen direct service programs.

Existing provisions of the Personal Income Tax Law authorize the deduction of certain charitable contributions from adjusted gross income, in the computation of taxable income

This bill would specify that taxpayer designations made pursuant to this bill do not qualify for that deduction

Ch. 1040 (SB 183) Russell State employees.

(1) Existing law governing personnel administration for state employees provides for compensation, classification, uniform and equipment allowances, working hours, holidays, vacation, and sick leave benefits, among other things, for state employees generally. Existing law also requires the Trustees of the California State University to provide by rule for the government of their appointees and employees, including specified items, notwithstanding any other provisions of law. These matters are generally the subject of negotiation between the state and employee organizations representing state civil service employees, and between the trustees and employee organizations representing employees of the California State University

This bill would specify that, for employees of the California State University, the above subjects are governed by rules provided by the trustees, and not by the provisions governing personnel administration for state employees generally

(2) Existing law permits the Department of Personnel Administration to establish a

deferred compensation plan for state officers and civil service employees.

This bill would permit the officers and employees of the California State University to participate in the deferred compensation plan

(3) Existing law provides that when a civil service employee uses sick leave or vacation because of a worker's compensation injury, and the state is reimbursed by a third person, the employee shall receive vacation and sick leave credit equivalent to the amount of the reimbursement

This bill would also apply this provision to employees of the California State University.

(4) Existing statutes (which codified the Governor's Reorganization Plan No 1 of 1981) transferred from the State Personnel Board to the Department of Personnel Administration the duties of developing objective criteria for determining the application to State Civil Service positions of the state safety category of membership in the Public Employees' Retirement System, determining which classes of the positions meet the criteria, as specified, and reporting thereon biennially to the Legislature.

This bill would transfer those duties back to the State Personnel Board, place certain constraints upon the board and the Department of Personnel Administration regarding safety memberships, and revise the reporting requirements.

(5) This bill would incorporate additional changes in Section 3572.5 of the Government Code, proposed by AB 1010, to be operative only if AB 1010 and this bill are both chaptered and become effective January 1, 1984, and this bill is chaptered last.

Ch 1041 (AB 1490) Moorhead. Medi-Cal eligibility.

Existing law provides that real property in excess of $6,000 that is not used for a person's principal residence shall be considered in determining Medi-Cal eligibility, but that when such residence becomes subject to these limitations, a recipient's eligibility shall not be affected as long as the property is listed with a real estate broker and good faith efforts are otherwise made to sell the property

Existing law exempts, from the assets considered in determining Medi-Cal eligibility, the principal residence of an individual.

Existing law sets forth specified circumstances under which a dwelling will be considered a principal residence where the applicant or recipient is not currently residing in the dwelling or in units of a multiple dwelling The residence is subject to a state lien to the extent permitted by federal law

This bill would require the Director of Health Services to adopt emergency regulations to implement a provision relating to an individual's principal residence

This bill would take effect immediately as an urgency statute.

Ch. 1042 (AB 650) Floyd Vietnam Veterans Memorial Commission

Existing law does not make provision for the construction of a memorial to California's Vietnam veterans

This bill would create the Vietnam Veterans Memorial Commission and provide for its composition and duties The bill would authorize construction of a Vietnam veterans memorial on the State Capitol grounds, as defined, and would direct the commission to establish a schedule for its design, construction, and dedication, to solicit designs and devise a process for selection of the final design, to oversee and receive contributions from private sources, and to monitor construction

The bill would create the Vietnam Veterans Memorial Account in the General Fund and require the deposit of all funds received by the commission under the bill into the account The bill would appropriate the money in the account to the commission for purposes of the bill without regard to fiscal years It would appropriate $25,000 to the commission as a loan to be repaid, with interest as specified, out of the first contributions received by the commission under the bill

The bill would repeal these provisions on January 1, 1986

Ch. 1043 (AB 652) Papan. Public retirement systems investments

(1) The Constitution presently authorizes the Legislature, notwithstanding specified provisions, to authorize public pension or retirement systems to invest their assets in corporate shares or stock, under specified conditions and limitations The State Teachers' Retirement Law characterizes the Teachers' Retirement Fund as a trust fund,

confers exclusive control thereover upon the Teachers' Retirement Board; requires administration of the system solely in the interest of the members, retirants, and beneficiaries; and prescribes, for the board and its officers and employees in the discharge of their duties, specified prohibitions and a fiduciary standard substantially similar to the standard in the federal Employee Retirement Income Security Act of 1974.

(2) The State Teachers' Retirement Law and the Public Employees' Retirement Law, each, currently: (a) authorizes public pension or retirement systems to invest their assets in corporate shares or stock, under the conditions and limitations specified in the Constitution, (b) authorizes investments in bonds issued pursuant to the Improvement Act of 1915, as specified, (c) authorizes investments in stocks or shares of certain registered diversified management investment companies, as specified.

(3) A provision of both the State Teachers' Retirement Law and the Public Employees' Retirement Law requires the investment of the retirement fund to be subject to the terms, conditions, and restrictions imposed by the laws of the state upon savings banks in the making of investments, as specified.

(4) A provision of the statutes relating to investments by commercial banks authorizes the State Teachers' Retirement System and the Public Employees' Retirement System to invest not to exceed 20% of their assets in securities, whether or not such securities are authorized or qualified under such statutes, in which it is the informed opinion of the system it is prudent to invest their retirement funds.

This bill would repeal item (2) above, to be operative only if ACA 16 is approved by the electors at the statewide election on June 5, 1984, and, in such event, to be operative on the effective date of that measure; repeal items (3) and (4) above, provide that except as otherwise restricted by the Constitution or laws, the Teachers' Retirement Board may, in its discretion, invest the assets of the fund through the purchase, holding, or sale of any investment, financial instrument, or financial transaction when the investment, financial instrument, or financial transaction is prudent in the informed opinion of the board; provide that the Teachers' Retirement Board may contract with one or more investment managers and that if the Teachers' Retirement Board acted with the required care, skill, prudence, and diligence in selecting and monitoring the investment managers, then no member of the Teachers' Retirement Board shall be liable for the investment managers' acts or omissions or be under any obligation to invest or otherwise manage any of the assets which are subject to the management of the investment managers, and repeal obsolete provisions.

Ch. 1044 (AB 860) Konnyu. Hazardous Substance Account.

(1) Under existing law, until July 1, 1991, the money in the Hazardous Substance Account in the General Fund is to be used, among other things, to meet the state's obligation to make specified proportional payments under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for purposes, generally, of taking removal or remedial action relating to the release or threatened release of hazardous substances Existing law continuously appropriates $1,000,000 a year from the account as a reserve account for emergencies and authorizes the State Department of Health Services to expend this money for taking immediate corrective action necessary to remedy or prevent an imminent substantial danger to the public health or environment. Existing law also provides that money deposited in the account may be appropriated by the Legislature to the Hazardous Substance Compensation Account for, among other purposes, the payment, under specified circumstances, by the State Board of Control of any claim for compensation of certain losses caused by the release of hazardous substances Existing law imposes a tax on the disposal of hazardous and extremely hazardous waste, in accordance with a prescribed formula

This bill would generally revise these provisions by, among other things, defining terms and altering the formula for the hazardous waste disposal tax. The bill would specify that funds in the Hazardous Substance Control Account are available for encumbrance for 3 fiscal years after the funds are appropriated. The bill would require the Controller to establish, in the account, a subaccount for expenditure on site operation and maintenance, specify the funds to be deposited in the subaccount, and continuously appropriate the funds deposited in the subaccount to the department as specified, thereby making an appropriation.

The bill would require the department to expend the $1,000,000 reserve account only

for remedying or prevent ng an emergency resulting from a fire or explosion of, or human exposure to, hazardous substances.

The bill would authorize the State Director of Health Services to initiate removal or remedial actions, unless the actions have been taken, or will be taken, by a responsible party and would require the department to take certain actions concerning notification at least 30 days prior to initiating these actions, except as specified. The bill would require any person who handles hazardous substances to supply the department with certain information and would impose certain procedures concerning the release of trade secrets, including sub ecting any person who knowingly and willfully disseminates that information to the punishment of a fine of not more than $5,000, up to one year of imprisonment, or by both that fine and imprisonment The bill would authorize the department to enter any place or establishment where a hazardous substance is undergoing certain processes for the purpose of tests, inspections, and removal and remedial actions The bill would require the department to take certain actions to provide for citizen participation in the decisions made by the department concerning removal and remedial actions, except for emergency actions.

The bill would also authorize the director to take specified actions if the director determines that there may be an imminent and substantial endangerment to the public health and welfare or the environment because of a release or threatened release The bill would also authorize the director to take certain testing and investigatory actions upon determination that a hazardous substance release has occurred or is about to occur and would authorize the director to take or contract for any necessary removal, remedial, testing, or investigatory actions, in compliance with these provisions, whenever there is a release or threatened release of a hazardous substance The bill would exempt specified emergency removal or remedial actions from the State Contract Act, and from provisions concerning architectural and engineering contracts and Department of General Services review of service contracts and consulting service contracts The bill would authorize the department to prequalify bidders for specified emergency removal or remedial actions by a specified procedure, which procedure would be authorized to be adopted as emergency regulations pursuant to certain provisions concerning regulatory review by the Office of Administrative Law The bill would require the department to make a specified report to the Joint Legislative Budget Committee, when acting pursuant to these exemptions or bidding provisions, within 5 days after making the determination of an emergency or endangerment The bill would impose punitive damages upon any person who fails, without sufficient cause, to remedy a release, upon order of the court or the department, which damages would be up to 3 times the amount of costs incurred by the Hazardous Substance Account, and would impose a civil penalty of up to $25,000 upon a person who intentionally makes false statements or representations, intentionally fails to provide requested information, or who refuses or prevents certain activities, relating to hazardous substances

(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 impose a state-mandated local program by creating a new crime concerning the release of trade secrets, by altering the tax imposed on disposers of hazardous substances, and by imposing new duties and potential liabilities upon generators and disposers of hazardous substances, which could include local agencies

The bill would provide that no appropriation is made by this act for a specified reason or 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 1045 (AB 2013) Cortese Water quality hazardous substances storage facilities

Under existing law, the State Water Resources Control Board is vested with various powers and duties in regard to the disposal of hazardous waste

This bill would require each person storing hazardous substances, as defined, in con-

crete sumps, nonvaulted buried tanks, or other underground containers to file with the state board a hazardous substance storage statement, including specified information, not later than July 1, 1984. The bill would require each statement to be accompanied by a fee of $10 per container, except for underground tanks located at retail motor vehicle fuel outlets for which the fee would be $5 per container. The bill would specify related duties of the state board, and, as of specified dates, require compilations of storage statements to be transmitted to appropriate regional water quality control boards, cities, and counties and would impose civil liability, as specified, for failure to comply with these provisions.

The bill would exempt, from January 1, 1984, to July 1, 1984, underground farm storage tanks storing fuel from these provisions. The state board would be required to obtain essential information on underground farm storage tanks from farmers, and the addresses and information obtained would be confidential and could be disclosed only under specified circumstances The state board and regional boards would be authorized to apply these provisions to underground farm storage tanks on July 1, 1984, as prescribed.

Ch. 1046 (AB 1362) Sher. Hazardous substances underground storage.

(1) Existing law does not specifically regulate the storage of hazardous substances in underground tanks.

This bill would prohibit any person from owning or operating an underground storage tank used for the storage of hazardous materials without a permit to the owner from a local agency, which is defined as the department or office so designated by a county or a city, if the city assumes exclusive jurisdiction for enforcement of these provisions. The bill would define terms, including "hazardous substance," and would exclude from the definition of underground storage tank a tank used for the storage of hazardous substances used for the control of cattle parasites and subject to the supervision of the county agricultural commissioner, if certain determinations are made by the commissioner, a tank located on a farm and used to store motor vehicle fuel for a specified purpose, a tank used for aviation or motor vehicle fuel, located within one mile of a farm and used by a licensed pest control operator, and specified structures. The bill would require the State Water Resources Control Board to conduct a study concerning applying certain standards to all of these exempted tanks and structures by January 1, 1985.

The bill would require the State Department of Health Services to compile a master list of hazardous substances, and to make it available, as specified, by June 30, 1984, notwithstanding any other provision of law, including provisions concerning the Office of Administrative Law's regulatory review process The bill would also authorize the department to revise this list in accordance with specified procedures.

The bill would require each county to implement these provisions and would authorize a county, or a city assuming local jurisdiction, to implement design and construction standards in addition to those specified in the bill. The bill would also authorize a county or city to implement a provision concerning tanks installed after January 1, 1984, until the board adopts specified regulations

The bill would specify the conditions for transferring a permit, would specify the term of a permit to operate an underground storage tank as 5 years, and would prohibit a local agency from issuing or renewing a permit if the local agency inspects the tank and determines that the underground storage tank does not comply with certain provisions. The bill would require that certain information be provided on the application for a permit by the owner of the tank and would also require the permittee to complete an annual report detailing any specified changes The bill would impose certain procedures concerning the use of trade secrets. The bill would also require a permittee who stores a hazardous substance not listed on the application to apply for a new or amended permit within 30 days after commencing storage.

The bill would authorize a county, or city which assumes exclusive jurisdiction, to establish a fee, which would be paid by each person submitting an application for a permit, or a renewal or amendment thereof, to cover the costs incurred by its implementation of these provisions The bill would require the fee to include a surcharge, to be determined annually by the Legislature, to cover the costs of the board and would require the surcharge to be deposited in the Underground Storage Tank Fund created in the General Fund The bill would provide that the money in the fund is available,

upon appropriation by the Legislature, to the board for purposes of carrying out the bill The bill would require the fee to include a one-time $5 surcharge, to be forwarded to the State Water Resources Control Board to cover the costs of developing regulations.

The bill would require a local agency to inspect every underground storage tank, within its jurisdiction, every 3 years, or to require a permitholder to employ, periodically, special inspectors to conduct the inspection, issue a report, and make recommendations which the permitholder would be required to implement or demonstrate to the local agency why these recommendations should not be implemented The bill would authorize a representative of the local agency or the board to enter into any place where underground storage tanks are located, for inspections, testing, obtaining samples, and copying records, and would authorize these persons to also enter into real property which is within 2,000 feet of such a place, for these purposes.

The bill would require that all underground storage tanks installed after January 1, 1984, comply with certain requirements concerning design, construction, monitoring systems, and drainage, and would require that all underground storage tanks installed on or before that date have a monitoring system installed before January 1, 1985, and have a means for inspection The bill would exempt underground storage tanks for motor vehicle fuel storage installed after January 1, 1984, from certain design and construction standards, if the tank either has a specified primary containment construction material and a leak monitoring system or if the tank has a pressurized piping system which is monitored. A local agency would be required to review the permit whenever there has been an unauthorized release which escapes from the secondary containment, increases certain hazards, or causes tank deterioration, or whenever the agency determines that the tank is unsafe. A local agency would also be required to consider certain factors in determining whether to modify or terminate a permit

The bill would require that if the owner of the tank is not the operator, the owner is required to provide certain information to the operator and enter into a written contract with the operator requiring the operator to monitor the tank.

The bill would require that unauthorized releases be recorded and reported by the operator of the underground storage tank within 24 hours to the local agency, as specified The bill would authorize a local agency to request the department or a regional water quality control board to utilize that agency's authority to take corrective action to remedy the effects of a release of a hazardous substance from an underground storage tank. The bill would authorize the permitholder of an underground storage tank containing motor vehicle fuel not under pressure to repair the tank after an unauthorized release from that tank with an interior-coating process once, if the tank meets specified requirements, but if the results of a certain test show that a serious corrosion problem exists, the local agency may require additional protection or prohibit the repair The bill would repeal this authorization if specified regulations are adopted The bill would also prohibit a person from abandoning, closing, or temporarily ceasing to operate an underground storage tank unless certain actions are taken by that person. The bill would make an operator or owner of a tank liable for a civil penalty of from $500 to $5,000 for failing to take certain actions concerning permitting, monitoring, maintaining records, compliance, and closure of an underground storage tank, and would impose upon a person falsifying records, or failing to file the report of an unauthorized release, a fine of from $5,000 to $10,000, or imprisonment in the county jail for up to one year, or both.

The bill would exempt cities and counties which have enacted ordinances, before January 1, 1984, from the provisions of this act if the ordinances provide, at least, for double containment and monitoring of underground storage tanks and permits are issued under the ordinance The bill would require a local agency so exempted to submit specified reports and information to the board The bill would specify that its provisions do not otherwise affect the authority of a city or county to adopt ordinances concerning information, investigations, inspections, or enforcement

The bill would require the State Water Resources Control Board to issue regulations implementing specified provisions by January 1, 1985, and would authorize the board to adopt regulations implementing other provisions

The bill would also state the intent of the Legislature that these provisions are of statewide interest and concern and are intended to preempt the local regulation of underground storage tanks as specified, and that the program created within the department by this bill will be funded both through the department's budget commencing

with the 1984–85 fiscal year and through the use of existing financial resources.

The bill would authorize a permitholder to apply to the board for a categorical variance from specified provisions and to apply to the regional water quality control board for a site-specific variance from specified provisions, pursuant to a specified procedure.

(2) 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.

(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 impose a state-mandated local program by requiring counties to carry out a program of permitting and inspecting underground tanks used for the storage of hazardous substances and by imposing obligations upon cities, counties, and districts which operate underground storage tanks. Although the bill provides for a self-financing provision concerning the administration of these provisions, it would provide that no appropriation is made for the other imposed costs, 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 1047 (AB 1807) Tanner. Air pollution. toxic air contaminants.

(1) Under existing law, the State Air Resources Board is required to adopt ambient air quality standards for each air basin in the state. Standards relating to health effects are required to be based upon the recommendations of the State Department of Health Services. Air pollution control districts and air quality management districts are required to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain ambient air quality standards. The Department of Food and Agriculture has general authority to regulate pesticides.

This bill would require, upon request of the state board, the State Department of Health Services, in consultation with and with the participation of the state board, to evaluate and prepare recommendations on the health effects of substances, other than pesticides in their pesticidal use, emitted into the ambient air which may be determined to be toxic air contaminants, and would require the state board, in consultation with and with the participation of, the State Department of Health Services, to prepare a report which would serve as the basis for regulatory action and to determine, by regulation, whether a substance is a toxic air contaminant. The Director of Food and Agriculture, in consultation with the State Department of Health Services and the state board, would be required to evaluate health effects of pesticides which may be or are emitted into the ambient air and may be hazardous to human health. It would define the terms "toxic air contaminant," "airborne toxic control measure," and "pesticide." The state board would be required to adopt airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources below the threshold exposure level, if any, at which no significant adverse health effects are anticipated.

The Director of Food and Agriculture would be required to determine which pesticides are toxic air contaminants and to determine, in consultation with the State Department of Health Services, the state board, and districts, the appropriate degree of control measures needed for pesticides identified as toxic air contaminants. The director, in consultation with county agricultural commissioners and districts in the affected counties, would be required to develop and adopt control measures designed to reduce emissions from those pesticide sources.

The bill would require the state board, based on its determination of toxic air contaminants, to determine whether revisions are needed in vehicular emission standards and motor vehicle fuel additives standards to prevent harm to the public health from vehicular emissions

The bill would impose a state-mandated local program by requiring districts to propose regulations enacting airborne toxic control measures on nonvehicular sources not

later than 120 days after their adoption by the state board, except that districts would be authorized to adopt and enforce equally effective or more stringent control measures. A district would be required to adopt regulations implementing airborne toxic control measures on nonvehicular sources within 6 months after adoption by the state board. District new source review rules and regulations would be required to control emissions of toxic air contaminants, except that processors of food and fiber operating 6 months or less in any calendar year would be exempt until January 1, 1987

The bill would require the appointment of a 9-member Scientific Review Panel on Toxic Air Contaminants to advise the state board in its evaluation of the health effects toxicity of substances.

The bill would make any person who violates any rule or regulation, emission limitation, or permit condition adopted to control a toxic air contaminant [determined by the state board]* liable for a civil penalty not exceeding $10,000 per day.

(2) The bill would declare legislative intent that the state board, the State Department of Health Services, and the Department of Food and Agriculture perform functions required by the bill in the 1983–84 fiscal year within their existing resources and budgetary authorizations.

(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 1048 (AB 2121) Allen. Fish and game.

(1) Until January 1, 1985, existing law requires the Fish and Game Commission to hold 8 meetings relating to making of regulations for fish and game. Notice of the meetings is required to be published in one newspaper in each county, as specified, and in any publication issued by the department prior to the dates of the meetings.

This bill would delete the requirement for publication of the notice in newspapers.

(2) Existing law prohibits removing or disturbing the trap of a licensee while used on public land or on land where the licensee has permission to trap.

This bill would exempt employees of the Department of Fish and Game from this prohibition while engaged in performance of official duties.

(3) Existing law permits nongame mammals and specified game mammals, which are found to be injuring growing crops or other property, may be taken at any time or in any manner by the owner, tenant of the premises, or their employees. They may also be taken by specified state, federal, and county, as defined to include city and county, officers or employees when acting in their official capacities, as specified.

This bill would also authorize taking of those mammals by city officers or employees when acting in their official capacities, as specified.

(4) Existing law prohibits taking of anchovies less than 5 inches in length, except as specified. Existing law also authorizes the commission to adopt regulations to govern the determination of the percentage of undersized anchovies permitted in any purchased load or lot.

This bill would repeal those provisions.

(5) Under existing law, no salmon may be sold or possessed in, or transported through, specified districts when taking of salmon for commercial purposes is unlawful in those districts.

This bill would limit the application of this prohibition to only the sale, possession, or transportation of silver salmon.

(6) Existing law defines and regulates the use of nets for commercial fishing.

This bill would:

(a) Revise the definition of trawl nets and require that the use of trawl nets conform to specified federal law, except as specified.

(b) Prohibit any person possessing or operating any type of net, trap, or line that is subject to specified federal groundfish regulations from possessing or landing any load of fish in violation of those federal regulations.

(c) Prohibit any person from possessing salmon on board, or landing salmon from, a

vessel on which exists any type of trawl net, except salmon taken incidentally with other species pursuant to specified authorization.

(d) Prohibit the return of any net or trap seized for specified reasons unless it is modified to correct the illegal condition

(7) The bill would repeal and modify other statutes relating to commercial fishing nets

(8) Under existing law, the license of any person to take fur-bearing mammals is forfeited upon a violation of any provision of the Fish and Game Code, or regulation adopted pursuant to that code, relating to taking or possessing fur-bearing mammals

This bill would, instead, authorize the Fish and Game Commission to revoke the trapping license of a person for specified violations and authorize the department to deny a trapping license in the next license year following a conviction The bill would authorize a hearing before the commission for an applicant denied a license

(9) Under existing law, the commission is authorized to prohibit any person from taking fish or game for sport purposes upon the 3rd conviction of the person of a violation of the Fish and Game Code or a regulation adopted pursuant to the code in a 5-year period Existing law also authorizes a person to have a prior conviction expunged under specified conditions.

This bill would state that the expungement does not affect the revocation or suspension of a license or permit to take fish or game or the authority of the commission or a court to revoke a license or permit to take fish or game.

(10) Under existing law, all state agencies, except as specified, are required to adopt procedural regulations for considering and issuing permits, as defined, including times for processing or notice of the deficiencies in applications.

This bill would exempt any license or permit issued by the Department of Fish and Game from this requirement.

(11) Under existing law, certain moneys appropriated to the Department of Fish and Game for expenditure in the 1980–81 fiscal year and encumbered for a contract with the County of Santa Cruz in that fiscal year were required to be paid before July 1, 1983, or they reverted to the fund from which they were appropriated

This bill would appropriate these specified reverted funds from the Energy and Resources Fund to the Department of Fish and Game for payment of that contract

(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

The bill would impose a state-mandated local program by creating a new crime

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

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

Ch. 1049 (AB 159) Farr Charter boat safety

(1) Existing law provides for the licensing by the Department of Boating and Waterways of persons operating or navigating for-hire vessels, as defined, on the waters of the state

This bill would require a charter boat carrying 7 or more passengers, as defined, to be licensed by the United States Coast Guard. The bill would require the operator, or the operator's employee or agent, of a charter boat, as defined, to require each passenger to don a life preserver at specified times and under specified conditions and would specify procedures for compliance The bill would require the operator or the operator's employee or agent, of a charter boat, prior to getting underway, to orient each passenger concerning emergency procedures The bill would require a charterer or operator who organizes charter boat trips during December, January, February, March, or April to inform each adult passenger that life jackets will be provided and to inform all passengers that life jackets are required to be worn, if directed, and to include specified statements in advertising for charter trips in the coastal zone, as defined

The bill would prohibit an operator of a for-hire vessel from leaving or entering Morro Bay after being directed by the harbormaster not to do so for specified reasons

The bill would prohibit an operator or charterer from preventing compliance with or

directing any person to violate the bill or directing the captain to get underway over objections of the captain that the condition of the vessel or the weather makes the trip inadvisable.

The bill would, with prescribed exception, make violation of the provisions of the bill a misdemeanor, punishable as prescribed. The bill would suspend specified provisions when the Legislature by resolution finds that a federal agency has adopted and is enforcing a substantially similar regulation.

The bill would subject any operator who violates the provisions of the bill to a civil penalty of between $50 to $100 and would permit a violation of the provisions of this bill to be enjoined and punished, pursuant to specified procedures.

The bill would also state that these provisions do not impose any mandatory duties upon a public entity to monitor sea or weather conditions or to warn or prevent for-hire vessels from leaving or entering a harbor and that no public entity or employee is liable for any injury resulting from an act or ommission concerning a for-hire vessel entering or leaving a harbor.

The bill would make 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.

This bill would impose a state-mandated local program by creating a new crime.

However, the 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. 1050 (AB 1943) Tanner. Sales and use tax. exemption cargo containers

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 the 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.

Existing California sales and use tax exempts, until December 31, 1983, the gross receipts from the sale of and the storage, use, or other consumption of cargo containers, as defined, which meet specified conditions.

This bill would extend the termination date of the exemption until January 1, 1994

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. 1051 (AB 800) Sher. Property tax postponement.

Under existing law, procedures have been established to permit certain persons 62 years of age or older to postpone the property taxes on their homes.

This bill would enact the "Senior Citizens Mobilehome Property Tax Postponement Law" and make additional persons who reside in mobilehomes eligible for the program of property tax postponement. The bill would impose a state-mandated local program by prescribing additional requirements on the Controller, the Franchise Tax Board, the Department of Housing and Community Development, and local agencies.

Under existing law, state funds are continuously appropriated to compensate local governmental entities for revenues lost by reason of the postponement of property taxes.

This bill, by making additional persons eligible for the program of tax postponement, would affect this continuous appropriation.

Under existing law, to qualify for postponement of property taxes, the combined household means of all household members cannot exceed a specified amount, which is annually adjusted for inflation.

This bill would provide that for calendar year 1984 and subsequent calendar years

postponement shall not be allowed if household income exceeds $34,000 for claimants who filed and qualified in the calendar year 1983, and $24,000 for all other claimants.

This bill would appropriate from the Mobilehome-Manufactured Home Revolving Fund to the Department of Housing and Community Development an amount not to exceed $10,000 for the initial implementation costs 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.

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 1052 (SB 1274) Alquist. Payment of claims.

This bill would appropriate $25,848,297 from the General Fund to the Controller and the State Board of Control, as specified, for the payment of claims for reimbursement of state-mandated costs filed pursuant to Section 2231 of the Revenue and Taxation Code

This bill would provide that $125,000 appropriated by the bill for payment of claims to counties, as specified, would not be available for disbursement by the Controller until the State Board of Control amends its parameters and guidelines to require counties to pursue reimbursement for administrative costs from the estate of the deceased Medi-Cal recipient before seeking reimbursement from the state.

This bill would take effect immediately as an urgency statute

Ch. 1053 (SB 741) Torres. School buildings

(1) Existing law defines average daily attendance for the purposes of determining the area of building construction and for 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 district, but residing in a high school district which maintains junior high schools is excluded from the definition, except under specified circumstances, including 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 Existing law specifies that in no event shall a facility be constructed for the withdrawn 7th and 8th grade pupils at a distance less than 4 miles from the nearest existing or proposed junior high facility

This bill would specify instead that no facility for those pupils be constructed at a distance less than 1½ miles from the nearest proposed or existing junior high facility

(2) The Leroy F Greene State School Building Lease-Purchase Law of 1976 provides for the acquisition and construction of school facilities by the state and the lease-purchase of those facilities by school districts. School districts receive apportionments under these provisions according to a specified system of priorities, administered by the State Allocation Board

This bill would require the State Allocation Board to exclude from the computation of allowable building area for purposes of these apportionments the area of enclosed stairs and appropriate landings of multistory buildings

Ch 1054 (AB 1666) Cortese Uniform Public Construction Cost Accounting Act

(1) Existing law does not provide a uniform cost accounting standard with respect to construction work performed or contracted by local public agencies

This bill would create the California Uniform Construction Cost Accounting Commis-

sion. It would prescribe the membership and terms of office of its members It would specify the duties of the commission including, recommending uniform construction cost accounting procedures for implementation by public agencies in the performance of, or in contracting for construction on public projects and to report to the Controller for his or her adoption and to report to the Legislature regarding the development and implementation of the procedure. It would require the Controller to promulgate a uniform procedure for all local public agencies which elect to implement the procedure.

(2) Existing law prescribes various procedures regarding bidding.

This bill would establish, as an alternative to the other bidding procedures, a specified bidding procedure.

(3) This bill would appropriate $37,500 to implement the provisions of this bill.

Ch. 1055 (SB 628) McCorquodale. Mosquito abatement

(1) Under existing law, various provisions provide for the abatement of mosquitoes

This bill would authorize counties, mosquito abatement districts, vector control districts, and pest abatement districts to impose in emergency situations a standby charge of not more than $10 on land to abate and exterminate mosquitoes. The bill would provide that up to 50% of the interest earned on the standby charges up to a specified amount may be paid over to the state to be deposited in the Mosquitoborne Disease Surveillance Account, which the bill would create and it would permit a county to use 50% of the interest earned for its regular mosquito abatement programs. The bill would provide that funds in the account shall be used, when appropriated by the Legislature, by the State Department of Health Services to support its programs on mosquitoborne diseases. The bill would also require the State Director of Health Services to adopt emergency regulations to implement the bill

(2) Under existing law, provision is made for paying local governments for costs mandated by the state.

This bill would contain a state-mandated local program because counties would be required to collect district standby charges.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 1056 (SB 938) McCorquodale. State Advisory Board on Drug Programs.

Existing law provides for a State Advisory Board on Drug Programs which will terminate on September 30, 1983.

This bill would continue the existence of the board until September 30, 1988, would provide that a board member be replaced for failure to attend board meetings, as specified, and would change the board's annual reporting date from December to January.

The bill would take effect immediately as an urgency statute

Ch. 1057 (AB 259) Chacon. Bilingual education.

Existing law requires all principal teachers providing instruction in specified programs (1) to be bilingual-crosscultural teachers, as defined, or (2) to be bilingual in English and the primary language of the pupils of limited-English proficiency in the bilingual class and hold an internship credential or an emergency bilingual-crosscultural credential.

Existing law also establishes a comprehensive scheme which authorizes school districts to request a renewable 2-year waiver from the bilingual-crosscultural requirement, as specified, and requires that all waivers granted expire not later than the end of the 4th school year the teacher has been on waiver, or June 30, 1984, whichever occurs first.

Existing law prohibits the granting of a waiver if a district hires a new teacher unless the governing board of the school district finds that the district made a good faith effort to recruit and hire bilingual-crosscultural teachers including contacting teachers listed in the annual list of bilingual-crosscultural teachers prepared by the Commission on

Teacher Credentialing Existing law also requires school districts needing bilingual-crosscultural teachers to request assistance from the clearinghouse maintained pursuant to a specified statutory provision

Under existing law, school districts must certify that a teacher meets certain varying criteria, depending on the number of years the teacher has been on waiver, in any application to waive bilingual-crosscultural requirements.

This bill would, commencing September 1, 1984, revise these criteria to emphasize language competency after the first year a teacher is on waiver by requiring teachers who are not competent in language to enroll in a program for the study of language which is approved by the Commission on Teacher Credentialing or to enroll in a course for the study of language which is established and approved by the State Department of Education This bill would also specify the courses which the commission is required to approve

This bill, while still requiring a good faith effort, as specified, by school districts in order to grant a waiver if a new teacher is hired, would delete the requirement that the district contact bilingual-crosscultural teachers who indicate they are seeking employment as stated in the annual list of such teachers prepared by the commission, and would also delete the requirement that the district request assistance from the clearinghouse

This bill would also allow a renewable 1-year extension beyond the 4th year the teacher is on waiver to teachers who are on waiver as of September 1, 1984, or whose waiver has expired on or after June 30, 1983, thus allowing these teachers to be on waiver up to 6 years, and would specify the criteria for these extensions

Under existing law, the commission is required to contract with approved assessor agencies to assess the required competencies of bilingual-crosscultural teachers, or to otherwise arrange for the assessments, as specified.

This bill would require the Legislative Analyst to review, by November 15, 1984, bilingual language assessments, to include, but not be limited to, specified information

This bill would delete the limitation that granted waivers expire not later than the 4th school year the teacher has been on waivers, or June 30, 1984, whichever occurs first

This bill would take effect immediately as an urgency statute

Ch. 1058 (AB 384) Campbell. Endangered and rare fish, wildlife, and plant conservation. income tax contributions

Under the existing Personal Income Tax Law, there is no provision allowing taxpayers to contribute amounts in excess of their tax liability for the support of an Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

This bill would, for taxable years ending on or after December 31, 1983, allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, which would be created in the Fish and Game Preservation Fund for specified purposes. The Franchise Tax Board would be required to revise the form of tax returns to provide for the designation and would receive a portion of the funds designated to cover its costs incurred in collecting and administering the funds. Donations made to the account under these provisions would not be deductable for the purpose of computing personal taxable income. These provisions would become inoperative on January 1, 1987, unless the board certifies to the Secretary of State that it has been able to retain an amount equal to its costs incurred in administering the program.

Ch. 1059 (SB 1031) Boatwright Sales and use taxes: waste products

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

Existing law exempts from sales and use taxes, until December 31, 1986, either organic products grown expressly for fuel purposes or waste by products from agricultural or forest products operations, municipal refuse, or manufacturing which are delivered in

bulk and used as industrial fuel in lieu of oil, gas or coal.

This bill would delete the requirement that the waste byproducts be delivered in bulk to qualify for the exemption, and would provide that the exemption shall include the use of still gas produced in the refining process from purchased crude oil. It would state the intent of the Legislature to clarify the exemption and would state that the bill does not constitute a change in, but is declaratory of, the existing law.

Ch. 1060 (SB 209) Montoya. Student Aid Commission: private vocational education scholarships.

Existing law establishes the Student Aid Commission and requires the commission to carry out various functions respecting the administration of financial aid programs for postsecondary education students

This bill would authorize the Student Aid Commission to receive, evaluate, and distribute the annual report of a vocational education scholarships program administered by the California Private School Association, if the report contains specified information, and to seek reimbursement from the California Private School Association for expenses incurred in so doing.

Ch. 1061 (AB 775) Robinson. Healing arts.

Existing law prohibits any person licensed pursuant to the healing arts division of the Business and Professions Code from accepting or giving any consideration for the referral of patients, clients, or customers.

This bill would provide that, notwithstanding those prohibitions, it is not unlawful for a licensed dentist or any other person to participate in or to operate a group advertising and referral service for dentists provided the service conforms to specified conditions.

The bill would authorize the Board of Dental Examiners of California to adopt regulations to enforce and administer these provisions and would also authorize the board to seek an injunction to restrain conduct in violation of these provisions.

The bill would provide that it is a misdemeanor for a person to operate a group advertising and referral service for dentists without providing its name and address to the Board of Dental Examiners of California and would make a violation of these provisions grounds for the suspension or revocation of a dentist's license.

The bill would impose a state-mandated local program by creating a new crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 1062 (SB 55) Roberti. Air pollution. South Coast Air Quality Management District: acid deposition.

(1) The Kapiloff Acid Deposition Act requires the State Air Resources Board, with the advice and participation of the State Agency Working Group on Acid Deposition and the Scientific Advisory Committee on Acid Deposition, to establish annual priorities for the research and monitoring program on acid deposition.

This bill would require the state board to give priority to acid deposition research and monitoring in the South Coast Air Basin. The bill would specify that this provision would not limit the power of the South Coast Air Quality Management District to conduct additional research as necessary.

(2) The Lewis Air Quality Management Act requires the south coast district to adopt a plan to achieve and maintain state and federal ambient air quality standards for the South Coast Air Basin. Upon adoption by the state board, the plan is the required state implementation plan for the air basin and, notwithstanding any other provision, that state implementation plan may include only those provisions necessary to meet the requirements of the Clean Air Act.

The Kapiloff Acid Deposition Act, which will be repealed on January 1, 1988, authorizes the state board to require air pollution control districts and air quality management districts to impose additional variance and permit fees on specified nonvehicular sources

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 on air quality management strategies

This bill would impose a state-mandated local program by requiring the south coast district board, not later than July 1, 1984, to perform an assessment of problems arising from acid deposition in the air basin and, not later than December 1, 1984, to identify strategies for reducing acid deposition precursors. The south coast district would be required to adopt rules and regulations for the reduction of acid deposition in the air basin not later than January 1, 1986, unless it makes a specified finding.

These provisions of the bill would be repealed on January 1, 1990, unless a later enacted statute, which is chaptered before that date, deletes or extends that date.

(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. 1063 (SB 76) Johnson Probation

Existing law prohibits the granting of probation in all cases of arson when a deadly weapon is carried, except in unusual cases, as specified

This bill would provide that if the defendant is convicted of arson that intentionally causes great bodily injury or intentionally causes an inhabited structure or inhabited property to burn, probation shall not be granted, except in unusual cases, as specified

Ch 1064 (SB 78) Mello. Streets and highways: storm damage loans.

(1) Under existing law, moneys in the State Highway Account in the State Transportation Fund are expended for construction of state highways and other statutorily prescribed purposes.

This bill would create the Street and Highway Storm Damage Loan Advisory Board composed of 3 members, as specified. The advisory board would be authorized to recommend to the Office of Emergency Services the making of loans to cities and counties for the repair of streets, roads, and highways damaged by storms during the 1981–82 and 1982–83 fiscal years The bill would require the loans to be repaid within 5 years of the effective date of the bill with interest at the rate earned by the Pooled Money Investment Account funds These provisions of the bill would become inoperative 5 years after the effective date of the bill and would be repealed on January 1, 1989

(2) If a loan made under the bill is not repaid within the required time, the Controller would be required to withhold motor vehicle fuel tax apportionments from the city or county until the loan is repaid in accordance with its terms and conditions

(3) The bill would transfer $15,000,000 from the Motor Vehicle Account in the State Transportation Fund to the State Highway Account in the 1983–84 fiscal year. It would appropriate $15,000,000 from the State Highway Account to the Office of Emergency Services for making loans to cities and counties pursuant to the bill

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

Ch. 1065 (SB 213) Johnson. Unemployment insurance. eligibility

Under existing law, an individual is disqualified for unemployment compensation benefits if he or she has been discharged for misconduct connected with his or her most recent work. Under a judicial decision, an individual cannot be deemed discharged for misconduct if he or she is discharged for chronic absenteeism caused by an irresistible compulsion to drink intoxicants

This bill would disqualify for benefits any individual who is discharged from his or her most recent work for chronic absenteeism due to intoxication or for reporting to work intoxicated, or for using intoxicants on the job, or for gross neglect of duty while intoxicated, or otherwise left employment for reasons caused by an irresistible compulsion to use or consume intoxicants and the disqualification would remain until the individual has earned 5 times his or her weekly benefit amount or until he or she has entered into

and is continuing in, or has completed, a certified treatment program and is able to return to work.

This bill would also require the Employment Development Department to advise disqualified applicants about disability benefits and refer the individuals to appropriate county treatment programs if the individual requests that assistance.

Ch. 1066 (SB 238) B. Greene. Taxation

Existing provisions of the California Personal Income Tax Law and the Bank and Corporation Tax Law authorize a credit against those taxes in an amount equal to 10% of the amount of wages, not to exceed a specified limitation, paid to specified employees during the 24-month period beginning on the date the employee begins working for the taxpayer. Chapter 498 of the Statutes of 1983 provides that for purposes of that law the term "wages" shall not include any amount paid or incurred to an individual who begins work for the employer after December 31, 1984

This bill would make the credit inapplicable to an individual unless, on or before the day on which that individual begins work for the employer, the employer with respect to a "qualified summer youth employee" has received a certification from the Employment Development Department for purposes of claiming a federal tax credit, as specified.

The bill would take effect immediately as a tax levy, and would be operative as specified.

Ch. 1067 (SB 534) Maddy. Regional trauma systems

(1) Under existing law, the Emergency Medical Service Authority is required to develop planning and implementation guidelines for various matters relating to emergency medical services.

This bill would require the Emergency Medical Service Authority, with the approval of the Commission on Emergency Medical Services, to adopt regulations specifying standards for the implementation of regional trauma systems, according to specified criteria. The bill would also authorize local emergency medical services agencies to implement regional trauma facilities as a part of their trauma care systems pursuant to the regulations. The local agencies would be permitted to charge a fee to applicants seeking initial or continuing designation as a trauma facility. Local emergency medical services agencies electing to implement a trauma care system on or after January 1, 1984, and a local emergency medical services agency which elects to implement a regional trauma care system would be required to develop and submit a specified plan to the authority. Local agencies which have already implemented regional trauma care systems would incur state-mandated costs in order to comply with the new state 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. 1068 (SB 708) Montoya. Apprentices: funding

Under existing law, school districts and community college districts receive reimbursement at $3.25 per 50-minute hour of teaching time for providing instruction to apprentices enrolled in courses pursuant to an apprentice agreement.

This bill would require the State Department of Education, the Chancellor of the California Community Colleges, and the Division of Apprenticeship Standards to jointly develop a model format for agreements between Joint Apprenticeship Training Councils and local education agencies for apprentice instruction and for the calculation and payment of excess costs incurred by local education agencies.

This bill would also reenact various provisions contained in Chapter 498 of the Statutes of 1983.

Ch. 1069 (SB 790) Lockyer Restraints of trade.

Existing law does not make specific provision for the award of prejudgment interest in actions under provisions prohibiting restraints of trade

This bill would specifically provide for prejudgment interest in those actions, as specified, if the court finds that the award of interest is just in the circumstances, as specified

Ch. 1070 (SB 849) Montoya Appliances· operating efficiency

(1) Under existing law, the State Energy Resources Conservation and Development Commission is required to prescribe standards for minimum levels of operating efficiency for all appliances whose use requires a significant amount of energy on a statewide basis.

An existing provision prohibits the sale or offering for sale of any new appliance one year after the effective date of the standards, regardless of the date of manufacture, unless it is certified by the manufacturer thereof to be in compliance with the standards

This bill would delete that provision The bill would prohibit the sale, or offering for sale, in the state of any new appliance regulated by those provisions, which is manufactured on or after July 1, 1984, unless the date of the manufacture is permanently displayed in an accessible place on the appliance.

(2) This bill would incorporate additional changes in Section 25402 of the Public Resources Code made by AB 191, to be operative only if both this bill and AB 191 are enacted and become effective January 1, 1984, and this bill is enacted last

Ch 1071 (SB 860) Watson Vocational education regional occupational centers or programs.

Under current law, a single school district located in a class 1 county, as defined, and having an average daily attendance of 50,000 or more may apply to the State Board of Education, as specified, for permission to establish a regional occupational center or program Within 90 days of receipt of an application, the board is required to prescribe a procedure whereby the district may establish a center or program

This bill would permit the State Board of Education to disapprove a waiver application submitted by a single school district pursuant to specified statutory provisions for the purpose of establishing a regional occupational center or program which does not meet specified requirements if the board determines that the establishment of the center or program would have an adverse effect upon existing regional occupational centers or programs located in school districts which are contiguous to the applicant school district

Ch. 1072 (SB 874) Petris. Counselors.

Existing law provides that a confidential communication between a sexual assault counselor and a victim is privileged, and that the victim has a privilege to refuse to disclose and to prevent the disclosure of that communication Existing law, for the purposes of that privilege, requires a sexual assault victim counselor to be registered with the Division of Allied Health Professions of the Board of Medical Assurance, and permits registration of a person with two years of supervised counseling experience, one of which is in rape counseling.

This bill would delete the requirement of registration but would specify qualification requirements, including having received a certificate evidencing completion of a specified training program, and specified professional or experience qualifications

Existing law provides that a confidential communication between the sexual assault counselor and victim does not include advice regarding potential testimony, and does not include relevant evidence of the facts involving an alleged sexual assault about which the victim is complaining and which is the subject of a criminal proceeding.

This bill would delete those provisions and would specifically provide that a confidential communication includes information regarding the facts and circumstances involving the alleged sexual assault. Thus, the privilege against disclosure would apply to that information However, the bill would permit a court to compel disclosure of information received by a sexual assault counselor in specified circumstances. In this regard, the Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings must be enacted by a two-thirds vote of the membership in each house of the Legislature

Ch. 1073 (SB 886) Petris. Attorney's fees and costs.

Under existing law, where a contract specifically provides that attorney's fees and costs shall be awarded to the prevailing party in an action to enforce the contract, it has been interpreted by the courts that the awarding of attorney's fees and costs shall be limited to an action based upon those provisions of the contract which specifically provide for the award of such fees and costs.

This bill would provide that where a contract provides for attorney's fees, such provisions shall be construed as applying to the entire contract, unless each party was represented by counsel in the negotiation and execution of the contract, and the fact of that representation is specified in the contract

Ch. 1074 (SB 945) Presley Peace officer training.

Existing law provides that the Commission on Peace Officer Standards and Training shall establish standards and recruitment of peace officers

This bill would require the training divisions of the Department of Corrections and the Youth Authority to create advanced peace officer, supervisory, and management curricula for training of correctional peace officers and to provide other training for correctional peace officers

Ch. 1075 (SB 1025) Robbins Automobile insurance.

Under existing law, automobile insurance includes insurance of automobile owners, users, dealers, or others against incident hazards, and also includes any contract of warranty, guaranty or suretyship which promises service, maintenance, parts replacement, repair, money or any other indemnity in the event of loss of or damage to a motor vehicle, as specified, if such contract is made by a warrantor or guarantor who is doing an insurance business A person is deemed to be doing an insurance business if the making of or proposing to make such contracts or other insurance contracts is done as a vocation and not as merely incidental to any other legitimate business or activity.

This bill would provide that the making of a contract covering only defects of material and workmanship in exchange for a separately stated charge where it is merely incidental to the business of selling or leasing automobiles shall not be deemed insurance, provided, the maker of the contract has an insurance policy with an admitted automobile insurer providing coverage for the performance of those contracts. Requirements of the section which defines automobile insurance would not apply where the maker is a manufacturer, distributor, or importer of automobiles.

This bill also would delete the above provision of existing law as to when a person is deemed to be doing an insurance business

Ch 1076 (SB 1185) Craven. Mobilehomes

(1) Under existing law, extensive provisions govern the sale and resale, transfer of title, and manufacture of mobilehomes and of both mobilehomes and commercial coaches

This bill would include manufactured homes within those provisions.

(2) Under existing law, provisions govern the inspection of mobilehomes and commercial coaches by the Department of Housing and Community Development and the licensing of dealers.

This bill would include manufactured homes within those provisions

(3) Under existing law, violation of the provisions relating to mobilehomes and commercial coaches is declared to be unlawful or is a misdemeanor

By including manufactured homes within these provisions, this bill, in effect, would create a new misdemeanor, which is a state-mandated local program

(4) Under existing law, various provisions regulate the registering of mobilehomes and commercial coaches and specify whether a mobilehome will be subject to vehicle license fees or local property taxes

This bill would include manufactured homes within these provisions

(5) Under existing law, mobilehomes subject to local property taxation are exempt from the use tax upon resale or transfer Exemptions from sales and use tax are automatically incorporated into county and city sales and use tax ordinances under the Bradley-Burns Uniform Local Sales and Use Tax Law Section 2230 of the Revenue and Taxation Code specifies that the state will reimburse counties and cities for revenues lost by reason of sales and use tax exemptions enacted by the Legislature

This bill would expand the above-mentioned use tax exemption to include manufac-

tured homes, but would provide that no reimbursement will be made for use tax revenue losses

(6) Under existing law, various provisions govern the building standards and other matters relating to various types of trailer parks

This bill would rename trailer parks, and related parks, as vehicle parks and make related changes.

(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. 1077 (SB 1193) Vuich. Local agencies. financial reports and affairs

(1) Existing law requires certain local agencies, within 90 days after the close of the fiscal year, to file with the Controller a report of the financial transactions of that local agency during the fiscal year. Under existing law, this filing period is 120 days after the close of the fiscal year in the case of any local agency which files annual financial materials with the California Health Facilities Commission, or any successor thereto.

This bill would instead permit hospital districts to submit a copy of any annual financial reports which they are required to submit to the California Health Facilities Commission or any portion thereof acceptable to the Controller, with any supplemental report containing additional information as required by the Controller

(2) Existing law defines a local agency for purposes of temporary borrowing, with the indebtedness to be represented by a note or notes issued to the lender pursuant to a resolution authorizing their issuance by the legislative body of the local agency, except a note or notes of school or community college districts are to be issued in the name of the school or community college district by the board of supervisors of the county, as specified.

This bill would include a county board of education in the definition of a local agency and would provide that notes issued to county boards of education for temporary borrowing shall be issued in the name of the county board of education The bill would make a statement of legislative intent

Ch 1078 (SB 1227) Lockyer Repeat sexual offenders

Existing law provides for a program of enhanced prosecution efforts as to certain repeat offenders, whereby the Office of Criminal Justice Planning allocates funds to counties, as specified

This bill would establish a similar program particularly concerning repeat sexual offenders

Ch. 1079 (SB 1229) Foran Eminent domain· precondemnation offer, proceeding

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 to the owner or owners of record.

This bill would create an exception to the offer requirement if the owner cannot be located with reasonable diligence

The bill would make a conforming change

Existing law requires an eminent domain proceeding to be commenced by filing a complaint with the court. It authorizes the service of summons by publication, as specified, and provides that judgment based on failure to appear and answer following service of summons by publication shall be conclusive against the named defendants regarding the described property

This bill would provide that a defendant in an eminent domain proceeding who could not be located for purposes of receiving an offer may contest the amount of compensation, under specified conditions, within one year of judgment and for good cause shown

Ch. 1080 (AB 227) Young. State administrative regulations economic impact reports

Existing statutes prescribing the procedure for the adoption by state agencies of administrative regulations require a notice of proposed amendment or repeal of a regulation to include material concerning specified matters; require review of, and authorize invalidation of, regulations by the Office of Administrative Law utilizing specified standards

This bill would revise the definition of "regulation" to exclude legal rulings of counsel issued by the Franchise Tax Board or State Board of Equalization

This bill would require an economic impact statement, as specified, if any action is proposed to adopt or amend a specified type of regulation, including those regulations which would have a significant impact on business, except any emergency regulation, as specified, and intergovernmental regulation not affecting any business or corporation and any state retirement system regulation. It would require notice thereof to be published in the Administrative Code Notice Supplement, as specified; and it would specify the information to be included in an economic impact statement. These provisions would become operative on July 1, 1984, and would be repealed on December 31, 1985

This bill would create an interagency council, which, among other things, would develop the required methodology to be used in making the above economic impact statements and would provide that the council shall be composed of representatives from the Department of Finance, the Department of Economic and Business Development, and such other members as the Governor may appoint

This bill would require the interagency council and the Department of Economic and Business Development to evaluate and make recommendations concerning the above requirements, with comments by the Legislative Analyst, by December 31, 1985. It would make the department primarily responsible for the submission of the report. These provisions would be repealed on December 31, 1985

This bill would appropriate $18,000 from the General Fund to the Department of Economic and Business Development for the purpose of hiring a research analyst for a 6-month period in 1984.

This bill would incorporate additional changes in Section 11342 of the Government Code as amended by SB 983 and AB 990 to be operative only if this bill is chaptered after those bills, as specified

Ch. 1081 (AB 463) Alatorre Health care

Existing law provides that a graduate in an approved internship, residency, or fellowship program for podiatry who is registered with the Board of Medical Quality Assurance may engage in the practice of medicine wherever and whenever required for the training program, as specified. Existing law requires that graduate to take and pass the next succeeding written examination for licensure, or otherwise receive a certificate to practice podiatric medicine

This bill would require the graduate in such a program to have been issued a limited license for that purpose The bill would also delete the requirement that the graduate take the next examination, but would not delete a requirement that if the graduate fails to receive a license within two years, all privileges and exemptions would cease.

Existing law also requires an applicant for a certificate to practice podiatric medicine to have completed one year of postgraduate podiatric surgical training in a general acute care facility or, until January 1, 1986, an approved one-year preceptorship

This bill would provide that a graduate in an approved preceptorship program may engage in the practice of podiatric medicine where required, subject to the restrictions applicable to other residency programs

This bill would provide for a fee of $25 for that limited license to practice in a training program The fee would be deposited into the continuously appropriated Podiatry Fund, thereby resulting in an appropriation

Under existing law, members of certain peer review committees of a state or local professional society whose purpose is to review the quality of health care services rendered by certain health care professionals are immune from civil liability for certain actions taken by that committee Existing law provides that the immunity does not apply to the professional society

This bill would provide that the immunity does apply to the professional society

Existing law provides that the records or proceedings of committees of certain professional staffs of hospitals, and of certain health care professional review committees are

not subject to discovery

This bill would provide that those immunities from discovery apply to records or proceedings of registered dietitian staffs, registered dietitian review committees, podiatric staffs, and podiatric review committees, 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 practitioners in the healing arts, to a hospital, hospital staff, professional society, peer review committee, or certain other entities, as specified.

This bill would extend that immunity to communications to podiatric schools

The bill would incorporate additional amendments to Section 43.7 of the Civil Code proposed by AB 1516 and SB 396, to become operative, as specified

Ch. 1082 (AB 607) Vicencia. Children

(1) Existing law provides for a State Children's Trust Fund for the purpose of funding child abuse and neglect prevention and intervention programs. The fund consists of revenue from county surcharges on birth certificates, grants, gifts, bequests, and money appropriated to the fund by the Legislature

Existing law also allows individuals to designate on the applicable tax return the payment of various specified amounts, in addition to their tax liability, to the California Election Campaign Fund for disbursement to qualified political parties

This bill would allow taxpayers to designate on their personal income tax returns that full dollar amounts in excess of their tax liability shall be contributed to the State Children's Trust Fund It would provide that any amount designated pursuant to the bill may not be allowed as a deduction for any taxable year. The bill would continuously appropriate money in the fund to the State Department of Social Services to carry out the fund's purposes

(2) Existing law provides for a system of child abuse reporting pursuant to which certain individuals are required to report known or suspected incidents of child abuse to a child protective agency The identity of all persons who report under the system is confidential and may be disclosed only to specified individuals

This bill would make the reports required under the system confidential and would permit their disclosure only to specified persons and agencies It would make any violation of the confidentiality required under the system a misdemeanor, thereby imposing a state-mandated local program by creating a new crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 620) D. Brown. Arrest

Existing law requires a law enforcement agency to take custody of a defendant arrested in felony or misdemeanor cases in another county within 5 days, as specified

This bill would extend the time period to 5 court days in felony cases where the law enforcement agency requesting the arrest is more than 400 miles from the county in which the defendant is held in custody, 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 impose a state-mandated local program by authorizing extension of the length of confinement of certain defendants in a county jail before transfer to another jail

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

Ch 1084 (AB 644) Moorhead Professional corporations.

Existing law allows physicians and surgeons, and registered nurses, among others, to be shareholders in a medical 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.

Ch 1085 (AB 795) Stirling Nonprofit corporations

Existing law provides for the organization of nonprofit mutual benefit corporations, nonprofit public benefit corporations, and nonprofit religious corporations Under existing provisions relating to the formation of these nonprofit corporations, each incorporator and each director named in the articles of incorporation is required to sign and acknowledge the articles

This bill would delete that requirement and instead provide that if the initial directors are named in the articles, those directors would be required to sign and acknowledge the articles, but if the initial directors are not named in the articles, the articles would be signed by one or more persons who are the incorporators of the corporation

Existing law authorizes those above-described nonprofit corporations to provide in their bylaws for delegates having some or all of the authority of members Existing law requires the bylaws to set forth the delegates' terms of office, any reasonable method for delegates' selection and removal, and any reasonable method for calling, noticing, and holding meetings of delegates. Existing law further provides that delegates may only act personally at a meeting and may not act by proxy, written consent, or written ballot

This bill would authorize delegates to act by written consent or written ballot and would require the bylaws to set forth the manner in which delegates may act by written ballot The bill would also make certain technical changes

Under existing law, when the members of a class are entitled to elect one or more directors of a nonprofit public benefit corporation or a nonprofit mutual benefit corporation or a nonprofit religious corporation, any director so elected may be removed only by the applicable vote of the members of that class.

This bill would provide that if the members of a chapter or other organizational unit or region or other geographical grouping, voting as such, are entitled to elect a director, any director so elected may be removed only by a vote of those members

Existing law requires the board of directors of nonprofit public benefit corporations to cause an annual report, containing specified financial information, to be sent to the members not later than 120 days after the end of the corporation's fiscal year, except corporations which do not have more than 100 members or $10,000 in assets at any time during the fiscal year

This bill would revise the above exception to exclude from the report requirement any corporation which receives less than $25,000 in gross revenues or receipts during the fiscal year.

Under existing law, a mutual benefit corporation may amend its articles to change its status to that of a public benefit corporation, a religious corporation, or a business corporation The articles of incorporation may be amended to change its status to a public benefit corporation or religious corporation only upon approval by the members and upon approval by the Commissioner of Corporations of the fairness of the amendment, or upon approval by 100% of the voting power

This bill would add another alternative method of approval, namely, approval by the members in an election with written ballots in which no negative votes are cast.

Existing law requires nonprofit mutual benefit corporations, except corporations which do not have more than 100 members or $10,000 in assets at any time during the fiscal year, to notify each member yearly of the member's right to receive a financial report

This bill would revise the above exception to exclude any corporation which receives less than $10,000 in gross revenues or receipts during the fiscal year

This bill would also repeal various provisions relating to nonprofit health care service plans and hospital service plans, including provisions concerning actions to remedy a breach of charitable trust, removal or resignation of directors, and self-dealing by directors This bill would specify that all references to the Attorney General contained in specified provisions relating to nonprofit public benefit corporations and nonprofit mutual benefit corporations, as to health care service plans and hospital service plans

formed as specified, in the case of health care service plans, shall be deemed to refer to the Commissioner of Corporations and, in the case of hospital service plans, shall be deemed to refer to the Insurance Commissioner.

Ch. 1086 (AB 802) Leonard. Arson: rewards.

Existing law provides for a $5,000 reward to be paid from the state funds available to the Department of Forestry for fire protection to any person, except as specified, whose information leads to the arrest and conviction or commitment to a public facility of any person who willfully and maliciously sets fire, or attempts to set fire, to any property included in a state responsibility area

This bill would instead provide that one reward, up to $5,000, shall be paid for the same event or series of events involving the same defendant or defendants and would provide that, if the department determines that more than one person is eligible for a reward arising out of information relating to the same event or series of events, the reward shall be divided among those persons as determined by the department

Ch. 1087 (AB 1236) McAlister. Public liability

Existing law provides for various immunities for public entities and employees for various actions taken in emergency situations, including immunity from liability for injuries caused in fighting fires

This bill would provide that a public entity or public safety employee is not liable for an injury caused by any action taken by a public safety employee acting within the scope of employment to abate or attempt to abate hazards reasonably believed to be an imminent peril to public health or safety caused by the discharge, spill, or presence of a hazardous substance, unless the action taken was performed in bad faith or in a grossly negligent manner, as specified.

Ch. 1088 (AB 1358) Margolin. Occupational safety and health

Existing law provides that any employer who commits a serious violation of any occupational safety or health standard, order, or special order, or who violates the prohibition against unlawful use of substances containing asbestos, shall be assessed a civil penalty of up to $1,000 for each violation Any employer who willfully or repeatedly violates any such law may be assessed a civil penalty of up to $10,000 for each violation. Any employer who fails to correct any violation of such law may be assessed a civil penalty of up to $1,000 for each day during which the failure or violation continues.

This bill would increase the maximum civil penalties for a serious violation from $1,000 to $2,000, for a willful or repeated serious violation from $10,000 to $20,000, and for failure to correct a serious violation from $1,000 to $2,000 per day

Ch. 1089 (AB 1363) Sher. Housing.

(1) Under existing law, various provisions make assistance available to the needy.

This bill would create the Emergency Housing and Assistance Fund and would continuously appropriate moneys in that fund to the Department of Housing and Community Development to provide grants to specified agencies for the purpose of providing emergency shelter to needy individuals, as specified.

The provisions providing for the new program would be repealed December 1, 1984, unless a statute extends that date.

(2) Under existing law, the Rental Housing Construction Fund is continuously appropriated for various purposes relating to housing.

This bill would, instead, provide that moneys from the fund utilized by the California Housing Finance Agency for development costs which was repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds and interest which is available for encumbrance on June 30, 1983, shall be utilized to carry out various programs, as specified. The bill would also allocate an amount not to exceed $4,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation

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

Ch 1090 (AB 1375) O'Connell Public postsecondary education. student financial aid

Under existing law, the University of California, the California State University, and

community college districts impose various fees on students for specified services.

This bill would state the intent of the Legislature that the Budget Act for each fiscal year provide sufficient funding for financial aid for students with demonstrated financial need to offset increases in student charges at those institutions. This bill would state the intent of the Legislature that funds for increased student financial aid be provided from sources other than student fees

Ch. 1091 (AB 1434) Banks. Savings and loan associations

Existing law provides for the regulation of savings and loan associations under the Savings and Loan Association Law

This bill would repeal the provisions of the Savings and Loan Association Law and would create the Savings Association Law. This bill would make various changes including the following: (1) authorize the organization of savings banks, (2) permit the conversion of a state savings and loan association into a federal savings bank; (3) specifically provide for the chartering of mutual associations and authorize such associations to issue mutual capital certificates, as defined; (4) continue the existence of the Savings and Loan Inspection Fund under the new title of the Savings Association Special Regulatory Fund

This bill would provide that if this bill and SB 341 are both chaptered and become effective January 1, 1984, and SB 341 adds Sections 7504, 7505, 7506, 7507, and 7508 to the Financial Code, Section 7504, as proposed to be added to the Financial Code by this bill, shall not become operative

This bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 1092 (AB 1485) Sher Crimes. penalties: fines and forfeitures.

Existing law generally authorizes the imposition of specified fines in criminal cases

This bill would increase the amount of the authorized fine in cases where an amount is not specifically prescribed

It would also increase the amount of certain other prescribed fines, as specified.

Existing law classifies violations of various provisions of law as a misdemeanor or felony based upon certain monetary limits on the value of the property or services which are misappropriated, obtained, or destroyed.

This bill would change these monetary limits, as specified, by categorizing additional violations as misdemeanors rather than felonies

Under existing law, certain fines imposed on criminal offenders are required to be deposited in the Indemnity Fund for the benefit of crime victims and witnesses

This bill would revise these provisions so that the Indemnity Fund is renamed the Restitution Fund, and the provisions for the imposition of a fine are recast to require the imposition of a specified restitution fine

Under existing law, the moneys in the Indemnity Fund are subject to appropriation by the Legislature for victims of crime. Specified amounts are appropriated in the Budget Act of 1983 for various purposes

This bill would, instead, continuously appropriate certain of these sums for victims of crime, as specified

Existing law provides that the court may imprison a defendant for nonpayment of a fine in addition to any other imprisonment imposed as a part of the punishment for the offense for which he or she was convicted

This bill would provide that the court may not imprison the defendant for nonpayment of the restitution fine

Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for specified traffic offenses which are deposited in the Assesment Fund in the State Treasury and then transferred each month to various funds. Also, the sum of $495,000 is 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 a program of financial assistance for education, training, and research for local public prosecutors and public defenders. The provision for this program is to be repealed January 1, 1986.

This bill would delete the existing appropriation provision and create a Local Public Prosecutors and Public Defenders Training Fund to be appropriated, as specified, for support of that program The fund would receive funds from the Assessment Fund resulting from a specified reduction of the percentage allocation from the Assessment Fund to the Driver Training Penalty Assessment Fund These 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

This bill would impose a state-mandated local program by categorizing certain crimes as misdemeanors rather than felonies.

This bill would also impose a state-mandated local program by revising the amount of the fine and the designation of the offenses for which it would be imposed, for deposit into the Restitution Fund.

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 and would become operative January 1, 1984

Ch. 1093 (AB 1553) Bates. Transportation: radioactive materials

Existing law requires the Department of the California Highway Patrol to be notified 72 hours prior to the transportation of hazardous radioactive materials containing commercially produced, spent radioactive fuel

This bill would instead require a carrier to provide advance notice of the transport of these materials 72 hours before the beginning of the 48-hour period during which the shipment's departure is estimated to occur to the Department of the California Highway Patrol, which would, in turn, be required to notify the fire chiefs of each city and county fire department, the fire chief of each fire protection district serving a population greater than 15,000, and the police chiefs of each city, along the proposed route, within 36 hours before the beginning of this period. The Department of the California Highway Patrol would only be required to notify those fire chiefs which have requested to be notified and would exclude from this notification the fire chief of a fire department or district which is composed of 50% or more volunteer firefighters The bill would state that this provision applies to the extent not inconsistent with federal law The bill would specify the content of the notice and require the Department of the California Highway Patrol to design a standard notification form by April 1, 1984 The bill requires the carrier to notify, by telephone or telegram the Department of the California Highway Patrol in the event of any changes in, or cancellations of, a shipment The Department of the California Highway Patrol would be required to notify all fire chiefs who have requested notification and the police chiefs affected by these changes in, or cancellations of, the shipment, and to retain all notification forms, including the records of changes and cancellations, for 3 years The bill would prohibit any person or agency that receives information pursuant to these provisions to disseminate or reveal the information unless the person or agency determines that disseminating or revealing the information is necessary to protect the public health and safety or the environment

The bill would require the Governor to appoint the fire chiefs eligible for notification as the Governor's designated representatives for purposes of federal regulations concerning the protection of information on radioactive materials in transit

The bill would impose a civil penalty of up to $500 upon any carrier who violates these provisions

Ch 1094 (AB 1600) Hayden Secured obligations. balloon payments.

Under existing law, if a mortgagee or beneficiary elects to exercise a power of sale contained in a mortgage or deed of trust, upon a default in the payment of a balloon

payment, a notice of default and election to sell must be recorded. Existing law requires that at least 3 months must elapse after the notice of default is recorded before the mortgagee or trustee may proceed with the foreclosure sale and requires that notice of sale must be given at least 20 days before the date of the sale.

This bill, in addition, would require the holder of a balloon payment note, except as otherwise specified, which is executed on or after January 1, 1984, and which is secured by a mortgage or deed of trust upon certain residential property to give the trustor, at least 90 but not more than 150 days before the date the final payment is due, written notice, by first-class mail, as to whom the balloon payment is to be paid, as well as other factual data regarding the payment. The bill would set forth the various consequences of a failure to provide this notice, including liability to the debtor for damages and reasonable attorney's fees.

Ch. 1095 (AB 1656) Farr. Community colleges: organization and reorganization: finance.

(1) Existing law provides operational procedures for county committees on school district organization.

This bill would add to those provisions specified procedures for filling vacancies on the county committee which occur prior to the expiration of the term of office of a member of the county committee.

This bill would impose state-mandated costs by requiring the county superintendent of schools to serve as secretary of the county committee.

This bill would also require the governing board of each community college district to annually select at its initial meeting one of its members to serve as its representative for purposes of electing members to fill vacancies on the county committee, as specified.

(2) Existing law authorizes community college district governing boards, beginning July 1, 1987, to impose a specified fee for the cost for services relative to a program change consisting of adding or dropping one or more courses any time after 2 weeks from the commencement of instruction in any term, except for changes initiated or required by the community college.

This bill would revise these provisions to delete the imposition of the fee for dropping one or more courses and would delete the July 1, 1987, operative date, thus making these provisions effective immediately.

(3) Existing law requires the members of the governing board of any unified school district which has an average daily attendance of 100,000 or more as of October 1971, and which maintains a community college, to call an election for the purpose of determining whether the members shall continue to serve also as members of the governing board of any unified school district whose boundaries are coterminous with the boundaries of the community college district, and specifies various other procedures associated with election, salary, and terms of office.

Under existing law, these provisions would be repealed January 1, 1984.

This bill would delete the repeal date of January 1, 1984.

(4) Existing law provides for the organization and reorganization of community college districts according to certain specified procedures.

This bill would clarify, revise, and repeal some of these procedures.

(5) Existing law establishes a statutory scheme providing for the compensation of members of the governing board of community college districts.

Other provisions of existing law place various limitations and qualifications on the receipt of public retirement or pension benefits.

This bill would, notwithstanding any provision of law to the contrary, authorize any member of the governing board of a community college district who is entitled to receive benefits from any public retirement or pension system administered by the Teachers' Retirement Board or the Public Employees' Retirement Board to elect to forego this compensation and, if the compensation is foregone, would prohibit reducing the member's retirement benefits and would prohibit requiring the member to be reinstated to his or her retirement system.

(6) Existing law requires 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 attend a college without restrictions whether or not he or she resides in a community college district, and

in order to receive a maintenance allowance

This bill would instead require the student to reside more than 60 miles from the nearest community college, as specified, in addition to residing in nondistrict territory, in order to receive those rights.

(7) Under existing law, community college districts receive state apportionments from Section B of the State School Fund

This bill would state the intent of the Legislature that the Chancellor of the California Community Colleges allocate funds to the lowest revenue districts to raise their revenues per average daily attendance to the statewide average, insofar as possible with the funds provided

(8) Under existing law, community college districts which offer courses under a flexible calendar may designate not more than 20 days during the academic year, and not more than 15 days per employee per academic year, for conducting staff, student, and instructional improvement activities on the designated days in lieu of regular classroom instruction

This bill would specify that staff, student, and instructional improvement activities may be conducted at any time during the fiscal year, and that the time designated for those activities shall be known as flexible time This bill would revise the list of required activities of all college personnel during the designated staff, student, and instructional improvement days to include matriculation services. This new authorization would impose state-mandated costs since its exercise would be subject to negotiation under existing law relating to community college employer-employee relations This bill would limit the amount of flexible time a community college district may designate for an employee to not more than 8.57% of that employee's contractual obligation for hours of classroom instruction which are eligible for state apportionments in that academic year

(9) SB 1067 of the 1983–84 Regular Session would add provisions authorizing the State Public Works Board to, among other things, finance, by the issuance of revenue bonds, the construction of public buildings or facilities within the University of California to be used for educational and research purposes related to certain specified fields of high technology

SB 1067 would also prohibit the issuance of these revenue bonds unless the Legislature, by statute, authorizes the total amount of the bonds that may be issued to finance the building or facility and expressly approves the construction thereof

This bill would add to these provisions the Legislature's authorization to construct the Food and Agricultural Sciences Building on the campus of the University of California at Davis and would amend the Budget Act of 1983 to appropriate $42,397,000 to finance this construction, as specified

However, this bill would also provide that these provisions of this bill shall not become operative unless Section 1 of SB 1067 is enacted on or before January 1, 1984, as specified

(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) 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

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

Ch 1096 (AB 1682) Molina Payment of wages penalties.

Existing law provides that every person who fails to pay the wages of each employee as provided in specified provisions shall forfeit to the state the sum of $10 for each failure to pay each employee, and permits the Labor Commissioner to recover the penalty as part of a hearing to recover unpaid wages and penalties, or in an independent civil action

This bill would increase the penalty for an initial violation to $50 for each failure to pay each employee, and for each subsequent violation, or any willful or intentional violation, to $100 for each failure to pay each employee, plus 25% of the amount unlawfully withheld, would apply the penalty to additional specified provisions relating to failure to pay wages, unlawful withholding of wages, refusal to pay wages, collecting or receiving from an employee any part of wages previously paid to the employee by the employer, and failure to pay employees equal pay paid to employees of the opposite sex for equal work, and would require, rather than permit, the Labor Commissioner to recover the penalties

Existing law provides that if an employer willfully fails to pay wages of an employee who is discharged or who quits in accordance with specified provisions, the wages shall continue as a penalty from the due date until paid or until an action is commenced, up to 30 days The Labor Commissioner is also permitted to impose a civil penalty in an amount not exceeding 30 days' pay as waiting time under the above provisions.

This bill would require, rather than permit, the Labor Commissioner to impose a civil penalty in an amount not exceeding 30 days' pay as waiting time under the above provisions

Ch 1097 (AB 1765) Costa Housing.

(1) Existing law requires the Department of Housing and Community Development to administer the Rental Housing Construction Program.

This bill would require the department to establish and administer an annuity fund and would permit the department to make commitments to provide annuity payments directly to housing sponsors of rental housing developments which will receive construction and mortgage financing from the Farmers Home Administration in order to ensure affordable rents to eligible households

(2) Under existing law, ~~the Rental Housing Construction Fund is continuously appropriated for various purposes relating to housing. This bill would, instead, provide that~~* moneys from the ~~fund~~ [Renta Housing Construction Fund which were]* utilized by the California Housing Finance Agency for development costs [and]* which were repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds or interest which is [were]* available for encumbrance on June 30, 1983, ~~shall~~ [are required to]* be utilized to carry out various programs, [enacted by various bills]* as specified [, including the program providing for annuity payments which would be created by this bill]* ~~The bill would also allocate an amount not to exceed $1,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation.~~ [Existing law requires the agency to reallocate those moneys, as specified, if any of the various specified bills, including this bill, are not chaptered or do not become effective and operative on or before January 1, 1984, or if the expenditure of funds authorized by any of those bills is reduced]*

[This bill would enact a similar provision]*

(3) Under existing law, the California Housing Finance Agency is, among other things, required to enumerate its progress toward meeting its mandate to serve nonmetropolitan and rural metropolitan areas, to assess obstacles or problems which it has encountered in meeting this mandate, and to suggest legislative and administrative solutions to overcome these obstacles or problems

This bill would require the California Housing Finance Agency, in enumerating its progress, to assess its progress in specified areas and to include in its report an enumeration of its progress in meeting the housing needs of communities of various sizes in rural areas

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

Ch 1098 (AB 1864) Farr Special health care authority Monterey County

(1) The existing Monterey County Special Health Care Authority Board is composed of 9 members, one of whom is nominated by the authority's professional advisory board and confirmed by the Monterey County Board of Supervisors and one of whom is nominated by the authority's community advisory board and confirmed by the Monterey County Board of Supervisors These members serve a term of 4 years The Monterey County Board of Supervisors appoints the members of the professional advisory board

and the community advisory board.

This bill would require that one member of the authority's board be a current member of, and nominated by, the professional advisory board and one be a current member of, and nominated by, the community advisory board and that such members serve one-year terms.

(2) Under existing law, members of certain peer review committees whose purpose is to review the quality of medical services rendered by specified licensed health providers, which committee is composed chiefly of these specified licensed health providers, are immune from civil liability for certain actions taken by that committee.

This bill would deem the directors of the authority's board, members of the community advisory board and the professional advisory board, and members of committees of those boards, to be members of a peer review committee for the purposes of such immunity from civil liability.

(3) Under existing law, the authority is authorized, among other things, to negotiate with service providers rates, charges, fees, and rents and to establish classifications of health care systems operated by the authority.

This bill would require the authority's board to inform the Monterey County Board of Supervisors of proposed changes to the Monterey County Special Care Authority Act and to any state or federal rule or regulation, as specified

(4) Under existing law, the authority is not authorized to make payment from its funds to the authority's board for attendance at meetings, or to make payments to members of the professional advisory board and community advisory board

This bill would authorize the authority to make payments to the authority's board of a specified amount for such attendance, plus actual expenses incurred for such attendance, and would also authorize the authority to make payments of specified amounts to members of the professional advisory board and community advisory board for such attendance, plus their reasonable expenses for participating in authority business

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

Ch 1099 (AB 1892) Felando. Special education pupils with low-incidence disabilities· individualized education

(1) Under existing law, provision is made for special education programs for individuals with exceptional needs, as defined, which involves students who possess specified learning needs, including pupils with low-incidence disabilities

This bill would state the legislative findings and declarations that pupils with low-incidence disabilities make up less than 1% of the total statewide enrollment for kindergarten through grade 12 and require highly specialized services, equipment, and materials

(2) Existing law requires that a continuum of program options be available to meet the needs of individuals with exceptional needs

Existing law requires that designated instruction be available when necessary for the pupil's educational benefit to be provided by specified individuals However, under existing law, districts, county offices, and special education local plan areas are not required to provide related services in excess of those required by federal law or proposed federal regulations

This bill would delete this limitation and would, instead, provide that the services may include, but are not limited to, certain prescribed services

(3) This bill would specify that it is the intent of the Legislature that school districts and county offices of education, when allocating funds received for support services, give first priority to expenditures to provide specialized books, materials, and equipment which are necessary and appropriate for the individualized education programs of pupils with low-incidence disabilities, up to a maximum of $500 per pupil The bill would specify that this shall not be construed to prohibit pooling the prioritized funds to purchase equipment to be shared by several pupils

(4) Under existing law, the Superintendent of Public Instruction is responsible for various duties concerning local plans designed to provide special education services

This bill would require the Superintendent of Public Instruction to develop, update, and disseminate directories of public and private agencies providing services to pupils with low-incidence disabilities to be made available to parents, teachers, and administrators, as specified.

Ch 1100 (AB 1944) W Brown. Agricultural cooperative bargaining associations

(1) Existing law regulates the commercial activities between agricultural cooperative bargaining associations and processors, handlers, distributors, or the agents of these persons

This bill would make the following changes in the law relating to the associations:

(a) Refusing to negotiate or bargain at reasonable times and for reasonable periods of time with a genuine desire to reach agreement and a serious attempt to resolve differences relative to specified commodities which an association represents would become an unfair trade practice and thus would be enjoinable and punishable as a crime. The bill would also authorize the Director of Food and Agriculture to order a party who refuses to negotiate or bargain, as specified, to comply with the applicable bargaining requirements The bill would increase the misdemeanor penalties for a violation of the laws relating to agricultural cooperative bargaining associations from a maximum fine of $500 to a maximum fine of $5,000, would change the civil penalties from a maximum of $500 to a maximum of $5,000, and would authorize the director to seek to obtain injunctive relief to require any person subject to the laws relating to the bargaining associations to comply with applicable requirements of those laws.

(b) Provisions regarding investigations and hearings conducted by the director as a department head with respect to cooperative bargaining associations would be repealed and a specified complaint procedure, as specified with a hearing, would instead be prescribed

(c) Inducing a member with money or any other thing of value to breach that person's membership agreement in an association would become an unfair trade practice.

(d) The director would be required to prepare and submit an annual report to the Legislature, with assistance from an advisory committee with specified duties and membership, on the operation of laws relating to cooperative bargaining associations The director would also be required to report to the Legislature, on or before January 1, 1987, on the effectiveness of specified provisions of this law in successfully aiding the bargaining process.

(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 impose a state-mandated local program by creating a new crime.

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

Ch 1101 (AB 2070) Margolin Correctional facilities

Under existing law there are provisions for funding of correctional facility construction

This bill would authorize use of the funds for joint use facilities to house county, state and federal prisoners, as specified

Ch 1102 (AB 399) Hannigan Taxation

(1) Existing law requires each county, commencing with the 1983–84 property tax assessment year, to prepare supplemental assessment rolls and collect supplemental property taxes and pay refunds in a specified manner for real property which has been purchased or changes ownership or on which new construction is completed on or after July 1, 1983, and thereafter after the lien date. It requires that for the 1983–84 and the 1984–85 fiscal years all revenue generated from increased assessments on the supplemental rolls be allocated to school districts within each county by the county auditor

This bill would make various technical and clarifying changes to this law It would, among other things, authorize the county board of supervisors to direct the county auditor to allocate to the county an amount not to exceed 5% of the additional revenues generated by the increased assessments for purposes of the administration of those supplemental roll provisions It also would appropriate $10 million from the General Fund to the Supplemental Roll Administrative Cost Fund, which would be created, for allocation, as specified, to counties for the costs of administering the new provisions relating to those supplemental rolls in the 1983–84 fiscal year

(2) Under the existing Personal Income Tax Law, various criminal penalties are

imposed for failure to file any return or supply required information and for providing any false or fraudulent return, statement, or information

This bill would increase these penalties, and would, among other things, make any taxpayer who institutes or maintains a frivolous personal income tax proceeding before the State Board of Equalization or a court liable to the Franchise Tax Board for a $5,000 tax penalty.

The bill would make various technical and clarifying changes to provisions of the Personal Income Tax Law and the Bank and Corporation Tax Law.

(3) Chapter 323 of the Statutes of 1983 (AB 233), among other things, made certain exceptions to the application of the Sales and Use Tax Law inapplicable to rentals or leases of videocassettes, videotapes, and videodiscs.

This bill would instead provide that those exceptions shall not apply to rentals or leases of videocassettes, videotapes, and videodiscs for private use under which the lessee or renter does not obtain or acquire the right to license, broadcast, exhibit, or reproduce the videocassette, videotape, videodisc.

(4) Under existing law, motor vehicle fuel taxes are due on the first day of the second calendar month following the month in which the fuel was distributed. Use fuel taxes are due one day earlier

The bill would require that motor vehicle fuel taxes and use fuel taxes both be paid by the 25th day of the month following the month of distribution and also would require a prepayment for certain persons, as prescribed

(5) Under existing law, at least 90% of the balance deposited to the credit of the Highway Users Tax Account in the Transportation Tax Fund by the 12th day of each month is required to be apportioned by the Controller by the second working day thereafter, as specified

This bill instead would provide that at least 90% of the balance deposited in that account by the 28th day of each month is required to be apportioned by the Controller by the second working day thereafter, as specified.

(6) The existing Unemployment Insurance Law exempts from coverage certain individuals engaged in the business of selling or soliciting the sale of consumer products in the home or to any buyer for resale in the home or otherwise than in a permanent retail establishment

This bill would instead exempt certain individuals engaged in the trade or business of primarily in person demonstration and sales presentation of consumer products in the home or sales to any buyer for resale in the home or otherwise than from a retail or wholesale establishment

(7) Existing law prescribes various procedures for collection of unpaid contributions under the Unemployment Insurance Code. If the employing unit or any other person fails to pay required contributions at the time they become due and payable, the amount of those contributions, together with interest, penalties, and costs, thereupon become a perfected and enforceable state tax lien.

This bill would make technical changes to that law, including changes to provisions setting forth the dates amounts are "due and payable."

It also would authorize the commencement of a civil action in the name of the State of California to enjoin any individual or entity from conduct which, by solicitation, sale or advertising, is inducing or otherwise attempting to persuade employers or employees, or potential employers or employees, to violate that code or to otherwise attempt to evade contributions or taxes provided for under that code by scheme, device, or similar activity

(8) Existing law makes provisions for the exemption of certain personal property from property taxation

This bill would exempt certain aircraft, as specified, which have been made available for display in a publicly owned aerospace museum, or an aerospace museum which is regularly open to the public and which is operated by a nonprofit organization which has qualified for a specific exemption under the Bank and Corporation Tax Law

Section 2229 of the Revenue and Taxation Code provides that no new classification or exemption of property for purposes of ad valorem property taxation shall extend for more than 5 years or shall exempt more than 75% of value thereof The section requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of the exemption

This bill would provide that the requirements of Section 2229 do not apply to the property tax exemption provided by the bill, and that no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill

(9) Existing Personal Income Tax Law provides interest upon overpayments of tax and provides specific rules regarding the period for which interest will be paid, where (1) the tax is refunded and (2) it is allowed as a credit.

This bill would provide that specified returns filed for the purpose of claiming a renter's credit would not be entitled to interest, as specified, when additional information is needed from the claimant to determine entitlement to the claimed credit.

(10) This bill would also make various technical changes to the state tax laws.

(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 impose a state-mandated local program by creating a new crime and increasing the penalties of existing crimes

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

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

Ch 1103 (SB 79) Davis. Unemployment insurance pension offset

Under existing law, unemployment compensation payable to an individual must be reduced by the amount of any pension, retirement or retired pay, annuity, or other similar periodic payment which is received by the individual and is based on the individual's previous work An individual is liable for any overpayment of unemployment compensation unless, among other reasons, the overpayment was received without fault on the part of the recipient and its recovery would be against equity and good conscience

This bill would provide that the recovery of certain unemployment compensation overpayments for weeks occurring within a specified period and based on the reduction required by the above existing law, shall be deemed to be against equity and good conscience upon request

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 impose a state-mandated local program by requiring some local public employers to pay higher contributions to finance unemployment compensation benefits for employees for past periods of unemployment

This bill would appropriate $2,311† from the Unemployment Fund to the Controller for allocation and disbursement for costs mandated by the state and incurred by them pursuant to this act

Ch 1104 (AB 2130) Moore Employment

Existing law provides for the California Public Broadcasting Commission for the purpose of encouraging the growth and development of public broadcasting programing

This bill would add additional declarations with respect to the growth and development of minority-controlled public radio stations

Existing law provides for the California Public Broadcasting Fund and specifies formulas for the making of grants by the commission

This bill would appropriate $250,000† from the General Fund to the California Public Broadcasting Fund for direct grants in fiscal year 1983–84 to certain radio stations for specified purposes

Existing law excludes various services from "employment" for purposes of coverage

† Appropriation in Section 2 of chapter deleted by action of the Governor

under unemployment compensation insurance laws, including those services performed as a real estate, mineral, oil and gas, or cemetery broker, or as a real estate or cemetery salesman by an individual who is licensed in one of those classes by the state and is remunerated solely by way of commission.

This bill would expand that existing exclusion to include services which are performed by a direct salesperson whenever the person performing either of those types of services receives substantially all of his or her remuneration for services directly from sales or other output, and the person performs those services under a written contract which provides that he or she will not be treated as an employee with respect to those services for state tax purposes.

This bill would take effect immediately as an urgency statute.

Ch. 1105 (SB 517) Maddy Health facilities.

(1) Under existing law, general acute care hospitals may be approved to offer certain special services in addition to the basic services offered under the license.

This bill would add cardiac catheterization laboratories to these special services, and would require a certificate of need before such a new service is established.

This bill would impose a state-mandated local program by prohibiting cardiac catheterizations from being performed outside specified general acute care hospitals, or a multispecialty clinic, as defined, which, if willfully violated, would be a misdemeanor. The bill would provide that a project for the remodeling or replacement of certain cardiac catheterization laboratories shall be eligible for a certificate of exemption under the state health planning law, and that an expedited certificate-of-need review be provided for the expansion of certain cardiac catheterization laboratories. The bill would require the State Department of Health Services to adopt certain standards and regulations relating to cardiac cathetherizations as emergency regulations no later than February 1, 1984 Willful or repeated violations of these regulations would be a misdemeanor and this provision would therefore impose a state-mandated local program.

(2) Existing state health planning law requires that a certificate of need be obtained from the Office of Statewide Health Planning and Development before certain health facility projects are commenced, including the conversion of a health facility from one license category to another.

This bill would, instead, require a certificate of need for the conversion of an entire health facility from one license category to another and for the relocation of a health facility or specialty clinic. The bill would eliminate the certificate-of-need requirement in current law for the conversion of a health facility's existing beds in one bed classification to a different bed classification, except for conversions from one bed classification to a skilled nursing, psychiatric, or intermediate care bed classification and the conversion of skilled nursing beds, psychiatric beds, or intermediate care beds to other bed classifications except in general acute care hospitals in specified circumstances. It would also eliminate the certificate-of-need requirement for ~~the establishment of certain emergency centers and~~* the purchase or lease of certain equipment by health facilities The bill would permit a health facility to use no more than 5% of the facility's beds in bed classifications other than those licensed classifications of those beds if certain conditions are met

The bill would include projects for the establishment or expansion of skilled nursing facilities or intermediate care facilities, projects for skilled nursing or intermediate care beds in health facilities other than skilled nursing or intermediate care facilities and general acute care hospitals designated as a sole community provider and licensed for less than 100 beds, in projects which the Legislature intends to be handled expeditiously, as specified and eliminate projects not directly related to patient care, in general, from these provisions

The bill would make various changes in the procedures for obtaining and granting certificates of need.

(3) Under existing law, a certificate of need is required for projects requiring a capital expenditure for a health facility or specialty clinic, as defined, in excess of $600,000.

This bill would eliminate the certificate-of-need requirement for these projects by health facilities, and would increase the above amount from $600,000 to $1,000,000 for a specialty clinic

(4) Existing law requires a certificate of need be obtained by a health facility or

certain clinics for the initial purchase or lease of diagnostic or therapeutic equipment with a value in excess of $400,000 in a single fiscal year, or for purchases or leases of this equipment for which the cumulative cost exceeds $400,000 in a single fiscal year.

This bill would increase this amount to $1,000,000 and would make this requirement applicable only to clinics.

(5) Under the California Health Facility Construction Loan Insurance Law, a loan is eligible for insurance if a certificate of exemption has been issued for the project, as specified, but the Director of the Office of Statewide Health Planning and Development may require a showing of need for the project be demonstrated, as specified

This bill would delete the provision permitting the director to require a showing of need.

The bill would delete the requirement that the office make an inventory of all existing health facilities and shall survey the need for construction, improvement, and expansion of health facilities, and develop a state plan on the basis of this inventory.

(6) The bill would provide that any amendments made by this bill relating to the elimination of area health planning agencies in the certificate-of-need or certificate-of-exemption process or to certain notice and party status provisions would become operative unless the federal Department of Health and Human Services makes a formal finding that the state is out of conformity with federal health planning law and the Director of the Office of Statewide Health Planning and Development determines by regulation that the amendments would result in substantial reductions in allotments, grants, loans, or loan guarantees by the federal government to state entities The bill would require the office director to notify each house of the Legislature of the adoption of any regulations pursuant to this provision

(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. 1106 (AB 1027) Hauser. Mental health

Under existing law, the state and each county shares in the cost of providing mental health services pursuant to an approved county Short-Doyle plan The county's share of cost is generally 10% except for hospital inpatient cost and cost of state hospital services which is 15% county funds. The county share of cost is waived for counties of less than 100,000 population, except for their inpatient hospital services and state hospital services which is 10% county funds.

This bill would also require such a waiver and percentage for state hospital services for counties with a population of 100,000 to 110,000, as recorded in the 1980 federal census, for the 1983–84 and 1984–85 fiscal years

This bill would take effect immediately as an urgency statute

Ch. 1107 (SB 279) Dills Polygraph examiners.

Existing law does not require a person who conducts a polygraph examination or calls himself or herself a polygraph examiner to be licensed.

This bill would enact the Polygraph Examiners Act and would require any person who engages in conducting a polygraph examination or holds himself or herself out as a polygraph examiner, as defined, to be licensed. A violation of this requirement would be punishable as a misdemeanor, thereby imposing a state-mandated local program The bill would set out the requirements for licensing and would provide for the regulation of such licensees.

The bill would create a Polygraph Examiners Board and provide for the qualifications, duties, and responsibilities of the members of the board

The bill would require all instruments or mechanical devices used for the purpose of determining the truthfulness of statements made by individuals to be type-approved by the board as of January 1, 984.

The bill would establish the Polygraph Examiners Fund and would provide that moneys in that fund shall be available to the Director of Consumer Affairs to carry out

the purposes of the act when appropriated therefor by the Legislature. The bill would appropriate $50,000 from the General Fund to the Polygraph Examiners Fund to be repaid with interest, as specified, during the 1984–85 fiscal year from funds collected pursuant to 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.

Ch. 1108 (SB 130) Boatwright. State purchases and state competitive bidding.

Existing law does not specifically prohibit a state employee from purchasing any goods, supplies, equipment, or materials from the state.

This bill would allow the purchase only if the goods, supplies, equipment, or materials are offered to the general public in the regular course of business of the state on the same terms and conditions as those applicable to the employee. Violation of this provision would be a misdemeanor pursuant to the provisions of SB 129, and this bill would become operative only if SB 129 is chaptered.

Existing law does not specifically require state employees involved in the competitive bidding process to file statements of economic interest for purposes of the Political Reform Act of 1974

This bill would impose this requirement upon every state employee, as defined, who: is involved at other than a clerical or ministerial level in the functions of negotiating or signing any contract awarded through competitive bidding, in making decisions in conjunction with the competitive bidding process, or in negotiating, signing or in making decisions regarding specified contracts entered in response to an emergency, as defined under existing 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 take effect immediately as an urgency statute but, as stated above, would become operative only if SB 129 is chaptered.

Ch 1109 (SB 215) Johnson. Special districts

(1) Under existing law, each landowner or legal representative of the landowner in a reclamation district is entitled to vote at district elections and, with a specified exception, to cast one vote for each dollar's worth of real estate owned by him or his principal.

This bill would specify that, if the district has, within the calendar year preceding that in which the election occurs, levied an operation and maintenance assessment, each voter shall be entitled to cast one vote for each dollar's worth of assessment valuation as shown on that assessment roll. If, however, the district has during that year ordered payment of an installment on an original or additional assessment or levied fees and charges pursuant to specified provisions, each voter is entitled to one vote for each dollar's worth of installment or fee and charge levied in the preceding year. If none of the foregoing was levied or ordered during the preceding year, each voter is entitled to one vote for each acre owned within the district

The bill would specify related matters and make related changes

(2) Existing law authorizes the board of a reclamation district to issue demand and time warrants, and limits the rate of interest of demand and time warrants to 8%, or, if the demand warrant is unpaid for want of funds, 7%. Existing law requires that demand warrants registered for nonpayment and demand warrants drawn on the district's maintenance fund be paid in the order of registration.

This bill would permit the warrants to bear interest at a rate determined by the board, but not to exceed 12%, and would also permit the demand warrants specified above to

be paid in the order agreed to, in writing, by all of the holders of the district's outstanding demand warrants, if the county treasurer approves the agreement.

(3) Under the Municipal Improvement Act of 1913, assessment districts may be formed to construct improvements on lands which will be benefited.

This bill would authorize an assessment under the act for local drainage facilities, as specified, to be levied against each parcel on the basis of the proportional storm water runoff from the parcel

(4) Under existing law, the Sierra Valley Groundwater Management District is authorized to levy and collect groundwater extraction charges and management charges and to collect specified interest and penalties for delinquent charges.

This bill would authorize the district to elect to have the charges collected on the tax rolls of the counties in which the district is situated in the same manner as county property taxes, or to itself collect the charges at the same time as county taxes together with penalties and interest at the same rates as is prescribed for the collection of county taxes The bill would prescribe related matters

(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 impose a state-mandated local program by requiring certain counties to collect on their tax bills groundwater extraction charges and management charges levied by the Sierra Valley Groundwater Management District.

However, the 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.

Ch 1110 (SB 217) Beverly. Property tax timeshare uses

Under existing law, all taxable property must be assessed at the same percentage of full value

This bill would provide that the full value of a timeshare estate or timeshare use subject to the property tax shall be determined by finding the real property value of the interest involved and shall not include the value of any nonreal property items, as specified Accordingly, the full value of a timeshare estate or timeshare use would be authorized to be determined by reference to resort properties, condominiums, cooperatives, or other properties of comparable size, type, and location that are not owned on a timeshare basis

The bill would make various findings and declarations, including that the bill is declaratory of, and not a change in, existing law

Ch 1111 (SB 239) Ellis School districts and community colleges elections political parties. contributions.

Existing law provides that the election of governing board members of a school district or community college shall be held on the first Tuesday after the first Monday in November of odd number years, or may be consolidated, under specified circumstances, with city elections

This bill would provide that the governing board of the San Diego Unified School District and the San Diego Community College District may, by resolution, require that its trustee primary elections be held on the same day as the statewide direct primary election and that its trustee general elections be held on the same day as the statewide general election

Existing law authorizes the county central committees of each qualified political party to supply the county clerk with party contribution envelopes, or a one page letter, as specified, to be included in the clerk's mailing of the sample ballot to voters affiliated with the political party

Existing law further requires that contributions received by the return of contribution envelopes or in response to the letters, be paid out, according to a specified formula, to the state central committee, the county central committee, and specified candidates of the party

This bill would delete the requirement that contributions received be paid out according to the specified formula

Ch 1112 (SB 329) Johnson Peace officers: disasters

Existing law permits specified peace officers to seal off areas due to calamities such as floods, storms, fires, earthquakes, explosions, and accidents, for specified purposes; and provides that any person who willfully and knowingly enters such an area and who willfully remains after receiving notice to evacuate or leave is guilty of a misdemeanor.

This bill would provide, in addition, that peace officers may seal off areas where there is a menace to public health and safety created by an avalanche. The bill would also provide any person who willfully remains after receiving notice to evacuate or leave from such a peace officer is guilty of a misdemeanor. The bill would authorize such a peace officer to use reasonable force, if necessary, to remove such persons.

Ch 1113 (SB 356) Dills. Cal-Vet· purchasers' life and disability insurance.

Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 permit the Department of Veterans Affairs to provide disability and life insurance coverage for Cal-Vet purchasers through a master agreement.

This bill would permit the master agreement to provide for the maintenance of such reserves as the department deems appropriate and prudent, and would authorize the department to use any surplus in the reserves or any refunds or returns therefrom upon termination of the agreement for Cal-Vet purposes or for any veterans general obligation or revenue bond act. The bill would validate any prior use by the department of the reserves for those purposes

The bill would further direct that on and after January 1, 1987, any reserves maintained under the master agreement shall not exceed a level greater than 20% over actuarial requirements plus a reasonable contingency reserve, as the department shall determine annually.

Ch. 1114 (SB 454) Garamendi. County health services expenditures.

Existing law provides for the County Health Services Fund under which a county may receive $3 in state funds for every $1 expended from county funds for health services subject to certain conditions.

Existing law specifies that, as a condition of receiving an allocation of funds from the Medically Indigent Services Account in the County Health Services Fund, a county shall assure the state in a written agreement that it will expend funds for specified services to persons certified as eligible, as specified, and that it will incur no less in net costs of county funds for county health services in any fiscal year than the amount required to obtain a county's maximum allocation from the County Health Services Fund. The department may recover any funds not expended in accordance with the agreement.

This bill would instead provide that, except for a county which contracts with the state for provision of health services to indigent persons for either an entire fiscal year, including the 1983–84 fiscal year, or for the period commencing October 1, 1983, and ending on June 30, 1984, a county shall assure the state that it shall spend no less in any fiscal year for medical services for low-income persons and other persons not eligible under the Medi-Cal program than it spent in the 1981–82 fiscal year.

This bill would also provide that for allocations made for the 1982–83, 1983–84, and 1984–85 fiscal years only, no funds may be recovered by the department by reason of a county's not having a documentation system to verify that the funds were expended only for services provided to persons certified as eligible, as specified, if certain other requirements are met by the county

This bill would take effect immediately as an urgency statute.

Ch 1115 (SB 494) Keene Due-on-sale clauses prepayment penalties.

Under existing law, the parties to a transaction in which there is a loan secured by a mortgage or deed of trust and which is subject to state law generally may agree that if the loan is prepaid, the obligee may impose a penalty, fee, or charge for the prepayment, except that in certain circumstances state law provides for a right of prepayment of the debt without penalty

This bill would provide that an obligee which accelerates the maturity date of the principal and accrued interest, pursuant to contract, on any loan secured by a mortgage

or deed of trust on real property, upon the conveyance of any right, title, or interest in that property, may not claim, exact, or collect any charge, fee, or penalty for any prepayment resulting from that acceleration. This prohibition would not apply to a loan, other than a loan secured by residential real property containing 4 units or less, if the obligor has waived the right to prepay without penalty or has agreed to pay a penalty for prepayment upon acceleration.

Ch. 1116 (SB 527) Petris. Traffic Adjudication Board

(1) Existing law establishes a traffic adjudication pilot project in Placer, Sacramento, and Yolo Counties until July 1, 1984.

This bill would extend the pilot project which contains a state-mandated local program until July 1, 1985, but Placer County would not be included. The bill would extend the life of the Traffic Adjudication Advisory Committee from December 31, 1983, to July 1, 1985, and would authorize staff assistance to the advisory committee to be provided by the staff of the Traffic Adjudication Board.

The bill would reconstitute the Traffic Adjudication Board as an entity in the Business, Transportation and Housing Agency, with its daily affairs managed by an executive director appointed by, and serving at the pleasure of, the Governor. The Governor would be required to appoint new members of the board to serve from July 1, 1984, to July 1, 1985. The bill would authorize the board to adopt transitional guidelines for the project's termination. Pending matters before the board on July 1, 1985, would be transferred to the courts. New citations would be referred to the courts, rather than the board, after December 31, 1984. Driver's license suspensions and revocations imposed by the board and in effect July 1, 1985, would be administered by the courts, as prescribed, thereby imposing a state-mandated local program. The bill would also enact related transitional provisions.

The bill would specify that penalty assessments are to be distributed in the same manner as for infractions. The bill would impose a state-mandated local program by making it a misdemeanor to willfully violate a written promise to appear, or to fail to appear after a continuance, more than once. The bill would require the board to seek an arrest warrant in those cases. The bill would terminate the reporting obligations of the Traffic Adjudication Board as of January 1, 1984, and would require a prescribed consultant's final report to be submitted by January 1, 1984.

(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.

Ch. 1117 (SB 580) Johnson. Hunting and sport fishing. licenses

(1) Under existing law, the fee for licenses, license stamps, and license tags issued by the Department of Fish and Game are adjusted annually by an inflationary index based on the 1977–78 fiscal year costs of the department.

This bill would change the base fiscal year for specified licenses and license tags. The bill would also revise the fee rates for certain hunting license tags and stamps and for sport fishing licenses and stamps, corresponding to the changes in base years.

The bill would delete the adjustment of the $5 base fee for a hunting license for nonresidents at specified organizational field trials and fix the fee at $7.

(2) Existing law prohibits, among other things, more than one license tag of the same class from being issued to or purchased by a person for the same license year, except as specified. Other provisions of law permit more than one license tag to be issued for specified purposes.

This bill would conform this provision to prohibit more than the number of license tags authorized by statute or regulation of the same class from being issued or purchased by a person for the same license year, except as specified.

(3) Under existing law, the department may authorize any person, except as speci-

fied, to sell licenses and license tags, and for that person to retain a specified portion of the fee as compensation.

This bill would, instead, authorize the license agent authorized to sell the licenses, license stamps, or license tags to charge a handling charge of a specified amount in addition to the fees for compensation The bill would except the Colorado River special use stamp from this provision and continue the existing retention of compensation by the license agent, fixed at 15¢ by the bill, from the stamp fee.

(4) Under existing law, when the Fish and Game Commission makes a specified finding, it may make available to persons, who are holding a valid hunting license and deer tag, an additional option deer tag at specified fees.

This bill would, instead, if specified regulations are adopted by the commission, permit a hunting license holder with a deer tag to procure one or more additional deer tags at specified fees for the taking of additional deer under regulations adopted by the commission.

(5) Existing law requires a sport fishing license to take any fish from the ocean waters of this state and amphibia anywhere in this state for purposes other than for profit. To take inland fish other than trout, steelhead trout, or salmon for purposes other than for profit, an inland water license stamp, to be permanently affixed to the sport fishing license, is required. To take salmon or steelhead trout, a trout and salmon license stamp, to be permanently affixed to the sport fishing license, is required to take salmon and steelhead trout in ocean waters, and both license stamps are required to take all fish and amphibia anywhere in the state for purposes other than for profit. Existing law also provides for a sport fishing license valid for 3 days and one valid for one designated day.

This bill would, instead, provide for several classes of fishing licenses, a sport fishing license which would permit taking of any fish, reptile, or amphibia from any of the waters of the state and would be valid for the calendar year or, for a nonresident, for 10 consecutive days, a sport ocean fishing license which would permit taking of any fish from ocean waters of the state and would be valid for the calendar year or for 5 consecutive days, and a sport ocean fin fishing license which would permit taking only fin fish from the ocean waters of this state and would be valid only for one designated day. The bill would specify the base fees for each of these licenses and make conforming changes.

The bill would also provide for a sport fishing license to take reptiles in this state.

(6) Existing law does not provide for the issue of fishing licenses at reduced fees or at no fee.

This bill would provide for reduced fee sport fishing licenses to be issued, under specified conditions, for a $2 fee, valid for the calendar year, and which authorize taking any fish or amphibia anywhere in the state for purposes other than profit, to specified disabled veterans and specified indigent elderly persons. The bill would also provide for the issue, under specified conditions, of free sport fishing licenses at no fee, valid for the calendar year, and which would authorize taking any fish or amphibia anywhere in the state for purposes other than profit, to specified blind persons, indigent Indians, wards of the state, developmentally disabled persons, and physically disabled persons.

The bill would require the department to determine the number of free sport fishing licenses issued and would provide that an appropriation may be made to the department in the Budget Act of $2 per free sport fishing license issued.

(7) The bill would require the department to evaluate a computer retrieval program to determine benefits from compiling lists of sport fishing licenseholders. The evaluation would be required to include specified factors and be submitted to the Legislature by March 31, 1984

Ch. 1118 (SB 696) McCorquodale. Records: criminal and juvenile court.

Existing law provides a procedure for the sealing of criminal records of a person who committed or was charged or arrested for specified misdemeanor offenses and who was under the age of 18 years at the time or who was under 21 years of age at the time of the commission of an offense committed prior to March 7, 1973. Existing law also provides procedures for a discharged probationer to petition for a change of plea or setting aside a verdict and for a person convicted of a misdemeanor who has complied with the sentence of the court and met other conditions to petition for dismissal of the accusatory pleading against him or her.

This bill would provide that a person who petitions for an order sealing a record or

who petitions for an order changing a plea or setting aside a verdict or dismissal of an accusatory pleading under these provisions may be required to reimburse the county or the city for the cost of services rendered at a rate to be determined by the county board of supervisors or the city council. The bill would provide that the cost shall not exceed $60, that the ability to make the reimbursement shall be determined as specified, and that the ability to make the reimbursement shall not be a requirement for filing a petition under these provisions.

Ch 1119 (SB 717) Russell. Consumer finance lenders.

Under the existing Personal Property Brokers Law and the Consumer Finance Lenders Law, a loan contract is required to provide for the payment of the aggregate amount contracted to be paid in substantially equal periodical installments.

This bill would provide for an exception from these provisions for a loan made to a graduate student at an accredited college or university while actively pursuing a study program leading to a postbaccalaureate degree.

Existing law provides that consumer finance lenders may make open end loans which permit a borrower to obtain advances of money from the licensee from time to time or which permit the licensee to advance money on behalf of the borrower from time to time as directed by the borrower.

This bill would revise these provisions to provide for an open end credit program which would permit a consumer finance lender to make an open end loan for the purpose of paying money to or at the direction of the borrower, or paying the borrower's obligations which are incurred in obtaining money, goods, labor, or services on credit The bill would also provide that court costs, excluding attorneys fees, incurred in a suit against a debtor who defaults on his or her loan, and fees paid to a licensee for a charge or credit card which entitles the cardholder to participate in the open end credit program, are not included in charges for the purposes of determining the maximum charges permitted under the Consumer Finance Lenders Law.

The bill would also revise the schedule for determining the minimum monthly payment for open end loans, as specified. The bill would also provide that the minimum payment by a borrower shall be determined by multiplying the unpaid balance at the end of a billing cycle by a percentage agreed upon by the borrower and the licensee which shall not be less than 5%.

Under the existing Consumer Finance Lenders Law, a contract of loan is deemed to be void and no person has any right to collect or receive any principal, charges, or recompense, if an amount other than or in excess of the charges permitted under this law is contracted for or received. In addition, if any provision of the Consumer Finance Lenders Law is violated in the making or collection of a loan, the contract of loan is void and no person has any right to collect or receive principal, interest, or charges in connection with the transaction An exception to these penalties is made for a violation which results from bona fide error, where the licensee notifies the borrower and rectifies the error.

This bill would provide that no provision imposing liability, including these penalty provisions, shall apply to an act done or omitted in good faith in conformity with any written general rule, regulation, or specific ruling of the Commissioner of Corporations, notwithstanding that after the act or omission has occurred, the rule, regulation or specific ruling is subsequently amended, rescinded or determined to be invalid.

Ch. 1120 (SB 746) Carpenter. Medi-Cal. selective provider contracts.

Existing law requires hospitals providing Medi-Cal services to file financial data reports with various state government entities

This bill would express legislative intent that, because of recent legislative changes, reporting requirements be reviewed by a task force convened by the Secretary of the Health and Welfare Agency and a report with recommendations be submitted to the Legislature. This bill would also require the Health and Welfare Agency to develop a single multipurpose report to be used by hospitals in filing financial data reports, as specified.

Ch. 1121 (SB 864) Johnson. State employees. health benefits.

Existing law provides that an employee who is enrolled in a state employee's health benefits plan shall be entitled to have the coverage thereof continued upon assuming payment of the contributions required of the employer if the employee is granted a leave of absence without pay or other leave, or if the person is a judge who is retired but is not yet receiving his or her pension, for the duration thereof.

This bill would include within these provisions an employee who is laid off and has not yet obtained other employment, for a period of up to one year.

Existing law provides that an employee of the California State University system who is granted a partial leave of absence for more than halftime but less than full time may maintain enrollment in a health benefits plan, provided the employee pays the contributions otherwise required of the trustees.

This bill would delete the limitation of a partial leave of absence for less than full time, would include within these provisions an employee who is laid off and has not yet obtained other employment, and would limit the continuation of the enrollment to a period of up to one year

This bill would take effect immediately as an urgency statute.

Ch. 1122 (SB 917) Doolittle. Schools. county boards of education. data-processing centers

(1) Under existing law, county boards of education to which all duties and functions of the county board of supervisors have been transferred, with certain exceptions, have the authority to acquire, lease, lease-purchase, hold, and convey real property for the purpose of housing the offices and services of the county superintendent of schools

This bill would also give this authority to county boards of education to which a portion of the duties and functions of the county board of supervisors under specified provisions of existing law has been transferred. The bill would include expenses of county boards of education in exercising certain authorized actions in those expenses to be paid out of the county school service fund.

(2) Existing law establishes independent data-processing centers in certain participating school entities. A specified amount was appropriated for those centers, to be repaid during 7 fiscal years beginning in the 1978–79 fiscal year, with interest-only payments in the 1981–82 and 1982–83 fiscal years.

This bill would extend the repayment period to 10 fiscal years, with repayment in full by June 30, 1988, and would provide for interest-only payments in the 1981–82 and 1982–83 fiscal years. This bill would require that the amount due and payable as of July 1, 1983, be repaid with interest, as specified, during the 1983–84, 1984–85, 1985–86, 1986–87, and 1987–88 fiscal years.

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

Ch. 1123 (SB 936) McCorquodale. Community redevelopment California Debt Advisory Commission.

The California Debt Advisory Commission is created under existing law to provide advisory assistance on bond issues to units of state and local government and to provide other assistance to state and local government on financial management

This bill would require the commission to conduct a study of each redevelopment agency created under the Community Redevelopment Law for purposes of determining the amount of outstanding indebtedness of each agency as of a date specified by the commission, the portion of tax increment proceeds paid to each agency, the potential liability of the State of California in the event of a default by an agency on any bonds, and the amount of housing provided to persons and families of low or moderate income and very low income households, as defined

The bill would require the commission to submit a report containing that information to the Legislature on or before July 1, 1984, and would require the commission, when preparing that report, to obtain and utilize information from the Department of Housing and Community Development and the Controller, to the extent feasible

Ch 1124 (SB 1035) Presley Manufactured homes, mobilehomes, and commercial coaches

(1) Under existing law, provisions govern the sale of manufactured homes, mobilehomes, and commercial coaches, and the various interests therein are defined.

This bill would revise various definitions relating to these transactions, as well as

revising the law relating to the sale of new and used manufactured homes, mobilehomes, and the remedies available to the parties to a sale

(2) Existing law contains provisions relating to the registration of manufactured homes, mobilehomes, and commercial coaches, moving mobilehomes from their sites, and tax delinquencies on mobilehomes.

This bill would revise those provisions of existing law.

(3) Under existing law violations of the provisions relating to mobilehomes are declared to be misdemeanors.

By revising the provisions relating to mobilehomes and by adding manufactured homes and commercial coaches to existing provisions, this bill would create new misdemeanors, which result in state-mandated local programs.

(4) This bill would incorporate the changes to Section 3051 of the Civil Code and Section 18035.1 of the Health and Safety Code proposed by AB 1539 and SB 1235, respectively, to become operative only if the other bills are enacted and this bill is enacted last.

(5) The bill would specify that certain of its provisions shall not become operative until July 1, 1984.

(6) The bill would appropriate $107,000 from the Mobilehome-Manufactured Home Revolving Fund to the Department of Housing and Community Development to carry out its duties under the bill.

(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. 1125 (AB 133) Hughes. CSU student housing.

(1) Existing law authorizes the construction of student housing at the California State University.

This bill would establish an Affordable Student Housing Revolving Fund which would be continuously appropriated to provide funds, in combination with the proceeds of bonds issued pursuant to the State College Revenue Bond Act of 1947, for the construction of affordable student housing on campuses of the California State University, according to specified priorities. It would, among other things, require repayment of those funds over a 40-year period from user fees, as defined, with interest at a rate not to exceed ⅔ of the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of the funds.

(2) Under existing law, ~~certain moneys from the Rental Housing Construction Fund utilized by the California Housing Finance Agency for development costs which became available for encumbrance between June 30, 1982, and December 31, 1982, are required to be used for other specified purposes, which include the rental housing construction program and subordinated mortgage loans.~~

~~This bill would, instead, provide that~~* moneys from the ~~fund~~ [Rental Housing Construction Fund which were]* utilized by the California Housing Finance Agency for development costs [and]* which ~~was~~ [were]* repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds and interest which ~~is~~ [were]* available for encumbrance on June 30, 1983, ~~shall~~ [are required to]* be utilized to carry out various programs [enacted by various bills]*, as specified [including the affordable student housing program which would be created by this bill]*. ~~The bill would also allocate an amount not to exceed $1,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation.~~ [Existing law requires the agency to reallocate those moneys, as specified, if any of the various specified bills, including this bill, are not chaptered or do not become effective and operative on or before January 1, 1984, or if the expenditure of funds authorized by any of those bills is reduced.]*

[This bill would enact a similar provision.]*

Ch 1126 (AB 152) Hannigan. State and local governments.

Existing law requires the clerk to provide one official ballot for each voter in the precinct, and for absentee and emergency purposes shall provide such additional number of ballots as may be necessary

The bill would require the clerk to provide the above with respect to statewide elections, and, with regard to all other elections, it would require the clerk to provide sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct, but not fewer than 75% of the number of registered voters in the precinct, and to provide other ballots based on absentee and emergency purposes

The bill would also require the clerk, in the event that there are insufficient ballots, to deliver to the precinct additional ballots to provide any voter who did not receive a ballot at the polling place with a ballot.

This bill would take effect immediately as an urgency statute.

Ch. 1127 (AB 301) Bane. Taxation. interindemnity payments.

Existing Personal Income Tax Law and Bank and Corporation Tax Law impose a tax based upon income, as specified, which is computed by subtracting various deductions and exclusions from that income. Various credits against those taxes are authorized Existing law makes no provision for the deduction of payments made by a taxpayer under an interindemnity arrangement to provide protection against medical malpractice liability.

This bill would permit a deduction under both those laws to a taxpayer, as defined, for payments which are made pursuant to an interindemnity arrangement, as specified, and are paid to a trust of members of a cooperative corporation organized and operated under specified provisions of the Corporations Code and the members of which consist solely of physicians and surgeons licensed in this state This bill would prescribe the extent to which the deduction may be taken in any taxable year and would provide for the carryover of the unused portion of the deduction to successive taxable years

This bill would also provide for the inclusion in the taxpayer's income of any payment which is refunded to the taxpayer to the extent that the payment was previously deducted by the taxpayer

This bill would take effect immediately as a tax levy. However, its operative date would depend on its effective date and its provisions would be operative only in those taxable or income years in which similar federal tax provisions are operative

This bill would make specified legislative findings and declarations regarding its provisions

Ch. 1128 (AB 471) Tanner. Secondhand property.

Existing law relating to pawnbrokers regulates the sale and redemption of pledged property but does not define "pledged property."

This bill would define pledged property and vested property for purposes of the law relating to pawnbrokers and would provide that the pawnbroker shall not sell pledged property until he or she has become vested with title.

Under existing law, if a pawnbroker sells pledged property, other than at wholesale or in bulk for resale, he or she is required to refund to the pledgor, upon demand, any amount received in excess of the sum of the balance of the loan, 4% of the balance of the loan for expenses, and interest on the loan.

This bill would repeal these provisions.

Existing law requires every pawnbroker to produce his records of loans and pledges, account of sales of pledged property, and all pledged property, for inspection by specified persons

This bill instead would require every pawnbroker to produce his or her records of loans, accounts of all sales of vested property, and all pledged property, for inspection by specified persons

Under existing law, secondhand dealers, including pawnbrokers, are required to report certain transactions involving the receipt or purchase of tangible personal property to the chief of police of a city, where the transaction took place within the territorial limits of an incorporated city, or the sheriff of the county, where the transaction took place beyond city limits

This bill would specify that the requisite reports shall be submitted to the chief of police or the sheriff or their respective designees, as the case may be, at the place designated by the chief of police or the sheriff or their designees for the submission of

these reports.

This bill would impose a state-mandated local program by creating a new crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 (AB 582) O'Connell Firearms.

Existing law provides that any person who carries any dirk or dagger concealed on his or her person is guilty of a felony punishable by imprisonment in the county jail not exceeding one year or in a state prison.

This bill would specify that knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of these provisions.

Under existing law, the carrying of a concealed firearm on the person without a license is a misdemeanor. However, any person convicted of a crime against the person, property, or a narcotics or dangerous drug violation who carries a concealed firearm upon the person without a license is punishable by imprisonment in a state prison, or by imprisonment in a county jail not to exceed 6 months or by a fine not to exceed $500, or by both a fine and imprisonment

This bill would specify that the offense which constitutes a misdemeanor is punishable by imprisonment in the county jail not to exceed one year, or by a fine not to exceed $1,000, or by both a fine and imprisonment. This bill would provide that the carrying of a concealed firearm on the person without a license by a person convicted of a crime against the person, property, or a narcotics or dangerous drug violation is punishable by imprisonment in a state prison, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed $1,000, or by both a fine and imprisonment

Under existing law, upon sale of a concealable firearm by a dealer, 2 copies of a register are required to be mailed to the Department of Justice, which is required to mail one of those copies to the head of a police or sheriff's department if the purchaser resides in a district other than where the sale was made.

This bill would delete the requirement of mailing that copy to the district of the purchaser's residence.

This bill would impose a state-mandated local program by extending the term of confinement in a county jail to which a defendant may be sentenced.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 676) Hill. Black powder exemption from explosives laws

(1) Existing law generally requires a permit issued by the State Fire Marshal in order to manufacture, furnish, possess, transport, or use explosives However, there is an exemption for the use, possession, storage, sale or transportation of 5 pounds or less of black powder if the activity is authorized or exempted under the federal Organized Crime Control Act of 1970

This bill would increase the amount of black powder subject to the above exemption to 25 pounds in the hands of a retailer having a seller's permit under the Sales and Use Tax Law.

(2) The bill would also require all cities, counties, and special districts and county service areas providing fire protection to require retailers in possession of black powder to notify fire authorities

This requirement would constitute a state-mandated local program

(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. 1131 (AB 736) Harris. San Francisco Bay Area Rapid Transit District purchases. construction

(1) Under the San Francisco Bay Area Rapid Transit District Act, the purchases of supplies, equipment, and materials over $25,000, and the construction of facilities and works over $10,000, by the San Francisco Bay Area Rapid Transit District are required to be put to bid, and if under $50,000, the district general manager may act on behalf of the district board. The district act also requires the district, in the case of construction projects over $1,000 and less than $10,000, and purchases over $1,000 and less than $25,000, to obtain at least 3 written or oral quotations of prices and terms The district act also provides exceptions to the bidding requirements and provides for the establishment of purchasing standards

This bill would recast those provisions of the district act into the Public Contract Code. The bill would also repeal those provisions in the district act

(2) Under the act, the district is required to meet its service commitments within the district, as specified, before expending funds for extension of services and facilities outside its boundaries, but not precluding, among other things, improvements to existing district stations and yards, including construction of a new turnback zone and storage tracks south of the Daly City Station.

This bill would also include, as not precluded, construction of a maintenance facility south of the Daly City Station

Ch. 1132 (AB 760) Bates. Fire prevention

(1) Under existing law, for the purposes of fire prevention, the term "nonambulatory persons" is defined to include those who are dependent upon mechanical aids and certain other disabled persons unable, or likely to be unable, to respond to an oral instruction relating to fire danger as determined by the Director of Social Services in consultation with the Director of Developmental Services.

This bill would include within the definition of nonambulatory persons any person who is unable, or likely to be unable, to physically or mentally respond to a sensory signal approved by the State Fire Marshal, or an oral instruction relating to fire danger and persons who depend upon mechanical aids and would require that the determination of ambulatory or nonambulatory status of persons with developmental disabilities be made by the Director of Developmental Services in consultation with the Director of Social Services. The bill would impose a state-mandated local program by requiring that on and after January 1, 1984, the determination of the ambulatory or nonambulatory status of persons who are not developmentally disabled be made by the agency providing the placement service.

(2) Under existing law, various facilities providing care for ambulatory children are exempted from certain fire regulations

This bill would also exempt foster family homes and family day care homes for children with a capacity of 6 or fewer and providing care and supervision for ambulatory children or children 2 years of age or younger, or both

The bill would also update and correct an erroneous cross-reference

(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.

This bill would also 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. 1133 (AB 803) Katz. Education: educational technology local assistance program

(1) Existing law establishes the educational technology local assistance program and provides for the Educational Technology Committee. Current law also requires the committee to prepare a sunset review report and transmit the report with the committee's recommendations to the State Board of Education. The board is required to transmit this information on educational technology programs to the fiscal committees of the Legislature by March 1, 1984. These provisions will be repealed on June 30, 1985

This bill recasts the provisions establishing the educational technology local assistance program, and adds to them provisions relating to computer education. Among other things, the bill would require the Superintendent of Public Instruction to coordinate all State Department of Education activities relating to computer education, as specified.

The bill would specifically authorize the educational technology local assistance program to award various types of grants for certain specified purposes to school districts, county offices of education, sponsors of regional occupational programs, public postsecondary educational institutions, individual teachers, and teacher education and computer centers meeting the eligibility criteria.

This bill would authorize the superintendent to contract for the research and development of educational software in accordance with priorities established to meet pupil needs, as specified.

The bill would increase the size of the Educational Technology Committee from 11 to 13 members. It would extend the deadline for the State Board of Education's submission of the commission's sunset report and recommendations to March 1, 1987. The bill would specify that the educational technology local assistance program would cease to be operative on June 30, 1989, unless the Legislature enacts legislation to continue the program after the study required under provisions relating to the evaluation and termination of educational programs.

The bill would also permit the Educational Technology Committee to develop a request for proposals and award a contract for the production of a television-based learning system pertaining to computers, as specified.

The bill would state that any activities mandated by the bill shall be undertaken only to the extent that funds are appropriated for support of the activity

(2) Existing law provides for the Council on Technology Education within the State Department of Education The council is required to review and distribute reading, mathematics, science, and technology projects throughout the state in order to provide teacher training in those fields.

This bill would repeal the provisions relating to the Council on Technology Education.

(3) This bill would reappropriate any unexpended funds remaining on January 1, 1984, from funds appropriated for Educational Technology Local Assistance and Exemplary Projects by specified budget items of the Budget Act of 1983, to the Educational Technology Committee, as successor to the Council on Technology Education

(4) This bill would specify that from funds appropriated for purposes of implementing the provisions of this bill for the 1983–84 fiscal year by paragraph (14) of subdivision (a) of Section 41301.3 of the Education Code, as added by Chapter 498 of the Statutes of 1983, the sum of $300,000 shall be used for state operations, and the remainder to be used for purposes of funding grants under the provisions of this bill

Ch 1134 (AB 828) Johnston Employment training.

Under existing provisions of the Unemployment Insurance Code, all personnel of the Employment Training Panel must be appointed by the panel pursuant to the State Civil

Service Act, except for an executive director and 2 assistant directors, who shall be exempt However, the California Constitution allows only the executive director to be exempt

This bill would amend the code to provide that after consultation with the panel, the Governor shall appoint 2 assistant directors who shall be exempt from state civil service and serve at the pleasure of the panel

This bill would provide for the funding of employment training and counseling services by authorizing the Department of Finance to modify a certain Budget Act item.

Ch. 1135 (AB 846) Sher. Juvenile court law.

A provision of existing law providing for the liability of various relatives for the cost of the care, support, and maintenance of a minor in a county institution or other place in which he or she is placed, detained, or committed pursuant to order of the juvenile court was recently declared to be unconstitutional by the California Supreme Court on the basis that it is a denial of equal protection of the laws to impose the costs of confinement imposed for the protection of society and the minor and his or her rehabilitation on those persons

This bill would provide for the liability of parents of a minor detained pursuant to order of the juvenile court for the portion of the costs incurred by the county in maintaining such a minor that are equivalent to the reasonable expenditures required of parents pursuant to the legal obligation of parents to support their children

Existing law requires the board of supervisors to determine the charge for care, support, and maintenance of minors placed or detained in a county institution by order of the juvenile court.

This bill would require such a determination with regard to a minor detained in or committed to any institution by order of the juvenile court, thus establishing a state-mandated local program.

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 1136 (AB 912) Roos. Counties real property

(1) Existing law generally requires that lessees of county-owned property be selected by competitive bidding A provision applicable only to counties of 4,000,000 or more, allows the county to enter into an operating lease or management contract, for a term not exceeding 40 years, with any nonprofit corporation or association or public or private school, college or university for the management, operation or maintenance of any real property that has been gift deeded to the county for art institutes or other artistic or cultural purpose if the gift deed was executed before January 1, 1920, without calling for competitive bids, and permits such lease or contract to include county-owned property contiguous to the gift-deeded property if both have been heretofore operated by the county for such purposes

This bill would amend that provision to allow the lease or contract for a term of 99 years, rather than 40 years; eliminate the reference to gift-deeded property, make the provision applicable to any county, rather than only those with a population of 4,000,000 or more; and would remove other related restrictions

(2) Existing law expressly authorizes a county board of supervisors, by a ⅘ vote, to grant, convey, quitclaim, assign, or otherwise transfer or exchange, surplus real or personal property of the county to a city, school district, irrigation or flood control district, county board of education, or other special district, upon the terms and conditions agreed upon, without compliance with otherwise applicable statutory requirements

This bill would expand the public agencies to which county surplus property could be so conveyed, transferred, or exchanged, so as to include a community redevelopment agency, housing authority, community development commission, surplus property authority, or a federal agency

(3) Existing law prescribes procedures and limitations for the leasing of public real property owned by a county

With respect to property acquired prior to January 1, 1984, this bill would provide alternative authority for a county to lease its real property and would, additionally, permit counties to participate as a principal party in the development of publicly owned real property for cultural, residential, commercial, or industrial uses, and to contract for the management, marketing, operation, or leasing of the property for those uses. Specified tide and submerged lands would be excepted from these provisions. The bill would state that nothing in these provisions shall amend, alter, or modify the duties of a county to comply with the provisions of a community redevelopment plan or an agreement with a community redevelopment agency with respect to property owned by a county within the boundaries of a community redevelopment project.

Ch. 1137 (AB 972) Elder. Public Employees' Medical and Hospital Care Act.

Existing law, under the provisions of the Public Employees' Medical and Hospital Care Act, provides that the Board of Administration of the Public Employees' Retirement System may approve basic health benefit plans, as specified.

This bill would make legislative declarations of intent and would provide, in addition, that the above basic health benefit plans which may be approved shall include employee cost containment and cost reduction incentive programs, as specified.

Ch. 1138 (AB 998) M. Waters. Planning and zoning

Under existing law, the state has enacted extensive laws relating to planning and zoning.

This bill would establish a 120-day statute of limitation, with exceptions, for commencing various actions to protest zoning and planning decisions made by local government.

Ch. 1139 (AB 1039) Alatorre. Schools: knives.

Existing law prohibits bringing specified knives on public school grounds providing instruction in kindergarten or any of grades 1 through 12, except as specified.

This bill would extend the existing prohibition and exemptions thereto to the grounds of specified higher educational institutions and provide an additional exemption applicable to the new prohibition thereby imposing a state-mandated local program by expanding the scope of an existing crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 1140 (AB 1222) Floyd. Cal-Vet. purchasers' life and disability insurance.

Existing provisions of the Veterans' Farm and Home Purchase Act of 1974 permit the Department of Veterans Affairs to enter into a master agreement with an insurance company or companies to provide life or disability insurance coverage for Cal-Vet purchasers.

This bill would permit the insurance company or companies to provide life and disability insurance pursuant to these provisions by one or more separate accounts.

Ch. 1141 (AB 1255) Wyman. Conservation camp program. contracts with local agencies.

Existing law requires the Department of Forestry to utilize prison inmates and wards of the Youth Authority assigned to conservation camps in performing fire prevention and control and other work of the department. The department is also authorized to enter into contracts or cooperative agreements with state or federal agencies for the performance of other conservation projects, as specified.

This bill would authorize the department to enter into contracts or cooperative agreements with local agencies for those purposes.

Ch 1142 (AB 1279) Young Community antenna television rates taxation

(1) Under existing law, the governing body of a city, 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 the conditions for rate deregulation

(2) Existing law assigns certain functions to the California Public Broadcasting Commission relative to determining the statewide average rates charged to subscribers by cable television systems

This bill would transfer those functions to the Department of Consumer Affairs

(3) This bill would exempt from taxation under the California Universal Telephone Service Act, as proposed by AB 1348, services provided by a cable television system which consist of transmissions from a cable television system and its subscribers or from a subscriber to the cable television system, but would make other intrastate telecommunications services provided by a cable television system subject to taxation under that act The bill would exclude from a cable television system's revenues, for purposes of calculating the amount of a franchise fee imposed by a local agency, those revenues subject to taxation under the proposed California Universal Telephone Service Act These provisions would become operative only if AB 1348 is enacted and becomes effective on or before January 1, 1984

Ch. 1143 (AB 1348) Moore Telephones· universal service

Under existing law, public utilities, including telephone corporations, are subject to the jurisdiction and control of the Public Utilities Commission Existing law also requires the imposition of a surcharge on charges for telephone service pursuant to the Emergency Telephone Users Surcharge Act

This bill would direct the commission to institute an investigation to establish universal telephone service, as specified, for residential users and to require telephone corporations to file a schedule of universal rates and charges not greater than 50% of the basic rate for measured service, exclusive of federally mandated access charges, available to the residential subscriber

The bill would create the Universal Telephone Service Fund. It would impose a tax on gross revenue received for the provision of intrastate telecommunication services in an amount not greater than 4% of gross revenues, as stated, to be determined by the commission sufficient to maintain universal telephone service and to be adjusted annually, as specified, and would direct telephone corporations to pay these amounts to the State Board of Equalization for deposit into the fund It would continuously appropriate the money in the fund, which would be paid by the Controller, for purposes of instituting universal telephone service for eligible low- and moderate-income persons who might otherwise be unable to afford basic minimum telephone service The bill would also impose various duties on the State Board of Equalization

The bill would declare the intent of the Legislature that nothing in the bill indicates the Legislature's intent regarding its approval or disapproval of any actions of the commission in the future regarding certain competitive telecommunications services, as specified

The bill would declare that, if any provision of the bill is held invalid, the invalidity would not affect the other provisions of the bill

The bill would take effect immediately as a tax levy

The bill would make these provisions inoperative on July 1, 1988, and would repeal these provisions on January 1, 1989

Ch 1144 (AB 1353) Floyd. New Motor Vehicle Board

(1) Under existing law, a member of the New Motor Vehicle Board is appointed for 4 years and holds office until the appointment and qualification of the member's successor or until 6 months from the expiration of the term, whichever first occurs

This bill would allow a board member to continue to hold office until the appointment and qualification of his successor or for one year from expiration of the member's term,

whichever occurs first

(2) Under existing law, members of the board receive per diem compensation of $75 This bill would increase that compensation to $100.

(3) Under existing law, the Department of Motor Vehicles is required to provide the New Motor Vehicle Board with a secretary and other necessary staff support The secretary and other staff members are all subject to civil service requirements

This bill would additionally authorize the board to appoint an assistant secretary, who would be exempt from civil service

(4) Under existing law, the New Motor Vehicle Board is required to charge new vehicle dealers and other licensees under the board's jurisdiction fees sufficient to fully fund the board's activities

This bill would require these fees to be segregated from other moneys in the Motor Vehicle Account in the State Transportation Fund, and to be used exclusively, when appropriated, to fund the board's activities. The bill would require surpluses of these funds to be carried over into the next fiscal year

(5) Under existing law, the secretary of the board enforces compliance with the discovery procedures of the board For noncompliance with discovery procedures without a showing of good cause, the secretary may suspend further proceedings of the board in a particular matter or dismiss a protest.

This bill would additionally authorize the secretary, at the board's direction, to require payment of costs of the board in the event of noncompliance with discovery procedures without a showing of good cause

(6) Existing law does not expressly authorize the board, its secretary, or appointed hearing officer to order a mandatory settlement conference with respect to protests or petitions before the board

This bill would confer that authority. The bill would empower the board, its secretary, or the hearing officer to impose sanctions for the failure to appear at a settlement conference, to be prepared, or to have authority to settle the matter The sanctions would include suspension of the proceedings until compliance, dismissal of the proceedings with or without prejudice, assessment of the board's costs to the party at fault, and a determination that the party at fault had abandoned the proceedings

(7) Existing law does not authorize the board or its secretary to assess the board's costs upon granting a continuance

This bill would so authorize

(8) Under existing law, motor vehicle franchisees may protest to the New Motor Vehicle Board termination or nonrenewal of their franchises and certain other actions of franchisors

This bill would expressly authorize the board to append conditions, as specified, to any decision sustaining or overruling such a protest.

(9) Under existing law, the board may require fees to be paid to the Department of Motor Vehicles for the issuance or renewal of a license for a new motor vehicle dealer, manufacturer, distributor, branch, or representative Under existing law, the fees may be used to reimburse the department for costs incurred in licensing and administration of the activites and practices of those licensees

This bill would, instead, specify that the fees are to be used to reimburse the department for the costs of licensing and for related administrative costs incurred on behalf of the board

(10) Under existing law, garbage and refuse trucks are required to be equipped with a back-up alarm audible at 200 feet

This bill would reduce the audibility requirements for these alarms to 100 feet

(11) Under existing law, the back-up alarm for garbage and refuse trucks is required to commence immediately upon backing up

This bill would instead require the alarm to commence on backing more than 36 inches

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

Ch 1145 (AB 1359) Margolin Minimum wage violations

Existing law provides that any employer or other person who violates the minimum wage orders of the Industrial Welfare Commission is guilty of a misdemeanor punishable by a fine of at least $50 or by imprisonment for at least 30 days, or by both

This bill, in addition, would impose a civil penalty for a violation, which would consist of $50 for each underpaid employee for each pay period for which the employee is underpaid where the violation is an initial violation which is intentionally committed, and $100 for each underpaid employee for each pay period for which the employee is underpaid where the violation is a subsequent violation for the same specific offense

This bill would exempt any order of the commission relating to household occupations from the provisions of the bill.

Ch 1146 (AB 1380) Elder. Medi-Cal audits.

Existing law provides for the auditing of amounts paid for services provided to Medi-Cal beneficiaries, and for the recovery of any overpayments made to the providers of health services and pharmaceutical services

This bill would provide that any demand to a provider of pharmaceutical services for reimbursement for an overpayment, arising from an audit or examination, or for valid claims which have inadvertently not been submitted reflect a setoff in the amount of any underpayment to that provider for a validly submitted claim. This provision would apply to any payments made to a provider of pharmaceutical services under Medi-Cal during the audit period

This bill would also set forth conditions under which an audit may not be reopened for underpayment, as defined, and would require a provider of pharmaceutical services asserting an underpayment claim to submit supporting documentation.

Ch 1147 (AB 1386) Katz Appliances. operating efficiency.

(1) Under existing law, the State Energy Resources Conservation and Development Commission is required to prescribe standards for minimum levels of operating efficiency for all appliances whose use requires a significant amount of energy on a statewide basis Existing law prohibits the sale or offering for sale in the state of any new appliance manufactured on or after the effective date of the standards, unless the appliance is certified by the manufacturer thereof to be in compliance with the standards.

This bill would prohibit the sale, or offering for sale, in the state of any new appliance regulated by those provisions, which is manufactured on or after July 1, 1984, unless the date of the manufacture is permanently displayed in an accessible place on the appliance.

(2) An existing provision prohibits the sale or offering for sale of any new appliance one year after the effective date of the standards, regardless of the date of manufacture, unless it is certified by the manufacturer thereof to be in compliance with the standards.

This bill would delete that provision

(3) This bill would incorporate additional changes in Section 25402 of the Public Resources Code made by AB 191, to be operative only if both this bill and AB 191 are enacted and become effective January 1, 1984, and this bill is enacted last

Ch. 1148 (AB 1404) Tucker. Peace officers

Under existing law, specified peace officers, including security officers of the County of Los Angeles, have prescribed limited powers

This bill would delete security officers of the County of Los Angeles from the category of peace officers with more limited powers and instead include safety police officers of the County of Los Angeles in that category.

This bill would incorporate changes proposed by this bill and AB 2108 to become effective if both bills are chaptered and this bill is chaptered last

Ch. 1149 (AB 1407) Molina Immigration consultants. regulation.

Existing law does not regulate persons who engage in the business of or hold themselves out as immigration consultants, except to prohibit false or misleading statements as specified, by any person preparing an immigration matter, as defined

This bill would enact provisions which provide for the regulation of persons engaged in the business or acting in the capacity of immigration consultants The bill would provide that, on and after January 1, 1984, it is a misdemeanor for any person to engage in the business or act in the capacity of an immigration consultant, for compensation, within this state, except as provided by these provisions Persons authorized to practice

law or authorized by federal law to represent persons before the Board of Immigration Appeals or the United States Immigration and Naturalization Service would be exempted from regulation under these provisions. The bill would, except as specified, require every person engaged in the business or acting in the capacity of an immigration consultant, prior to providing services, to provide the client with a written contract, as specified. The client would have a right to rescind the contract within 72 hours of signing the contract. The bill would provide that no person engaged in the business or acting in the capacity of an immigration consultant shall retain in his or her possession original documents of a client, and would prohibit a person engaged in the business or acting in the capacity of an immigration consultant from engaging in specified acts. A violation of any of these provisions would be a misdemeanor, punishable as specified, and thus, this bill would impose a new program or higher level of service upon local governments by creating new crimes.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 1413) Stirling. Prison industries.

Existing law does not provide for the sale to private persons of goods produced by prisoners.

This bill would provide that products and byproducts of prison agricultural and animal husbandry enterprises, except nursery stock, may be sold to private persons. The bill would also provide that the Prison Industry Authority may dispose of products developed from the operations of industrial enterprises, as specified. All sales would have to be reported by the Prison Industry Board in its annual report to the Legislature.

Existing law permits the Prison Industry Authority, which is under the policy direction of the Prison Industry Board, to establish new industrial, agricultural, and service enterprises. The authority is required to hold hearings concerning new enterprises and to consider the effect on California industry and not to approve the establishment of an enterprise if it would have a comprehensive and substantial adverse impact on a particular California business, enterprise or industry.

This bill would provide that the board rather than the authority consider the effect of a proposed enterprise on California industry and not approve an enterprise which the board determines would have a comprehensive and substantial adverse impact on California industry which cannot be mitigated.

The bill would authorize the Pooled Money Investment Board to grant loans to the Prison Industry Authority when money is appropriated for that purpose by the Legislature, upon application by the Prison Industry Board, to finance the establishment of a new industrial, agricultural, or service enterprise.

This bill would incorporate additional changes in Section 2808 of the Penal Code, proposed by AB 717 and AB 2187, to be operative only if either AB 717 or AB 2187, or both bills, and this bill are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last.

Ch. 1151 (AB 1529) Agnos. Child support enforcement incentive payments.

Existing law provides for a family support enforcement program to be operated by the district attorney of each county in order to obtain child support on behalf of custodial parents from noncustodial parents of recipients under the Aid to Families with Dependent Children (AFDC) program, as well as for other custodial parents, and to obtain spousal support for AFDC recipients.

Existing state and federal law also provides for incentive payments to be made in connection with a county's collection of child-support payments.

This bill would provide that the State Department of Social Services shall adopt regulations which shall establish basic priorities for the family support enforcement program.

The bill would specify that the department shall report to the Legislature on these

regulations no later than January 1, 1985.

The bill would also provide that the department shall develop at least 3 options for the consideration of the Legislature for linkage of program performance to the use of the state incentive payments given to counties for collection of child support.

The bill would further require the department to seek federal waivers to allow the federal share of the incentive payments to be linked to changes for improving program performance

The bill would appropriate an additional amount annually, computed as specified, from the General Fund to the State Department of Social Services for allocation to the counties pursuant to a specified formula, equal to 50% of the state's share of AFDC child support collections in excess of each previous year's total AFDC child support collections, beginning with the 1984–85 fiscal year

Ch 1152 (AB 1604) Costa Community facilities technical assistance programs

(1) Existing law does not provide for a rural community facilities technical assistance program.

This bill would require the Department of Housing and Community Development to establish a rural community facilities technical assistance program under which contracts would be required to be made by the department with public entities and nonprofit corporations for the provision of technical assistance to rural and low-income communities in the operation, maintenance, and development of community facilities

The bill would create a Rural Community Facility Grant Fund which would be continuously appropriated to the department for the purposes of making grants pursuant to the provisions which would be created by the bill and to pay the costs incurred by the department in administering the grant program. The bill would require the department to grant funds by contract with eligible grantees under prescribed conditions.

(2) Under existing law, ~~the Rental Housing Construction Fund is continuously appropriated for various purposes relating to housing~~

~~This bill would, instead, provide that~~* moneys from the ~~fund~~ [Rental Housing Construction Fund which were]* utilized by the California Housing Finance Agency for development costs [and]* which ~~was~~ [were]* repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds and interest which ~~is~~ [were]* available for encumbrance on June 30, 1983, ~~shall~~ [are required to]* be utilized to carry out various programs [enacted by various bills]*, as specified [, including the Rural Community Facilities Technical Assistance program which would be created by this bill]*. ~~The bill would also allocate an amount not to exceed $1,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation~~ [Existing law requires the agency to reallocate those moneys, as specified, if any of the various specified bills, including this bill, are not chaptered or do not become effective and operative on or before January 1, 1984, or if the expenditure of funds authorized by any of those bills is reduced.]*

[This bill would enact a similar provision]*

Ch 1153 (AB 1606) N. Waters Subsurface installations

(1) Existing law, operative July 1, 1983, requires all owners, except the Department of Transportation, of subsurface installations, as defined, to become members of a regional notification center, as defined, requires 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, and requires 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

This bill would repeal the above provisions and would reenact substantially similar provisions, to be operative July 1, 1984

The bill would revise the definition of the term "subsurface installation" for purposes of the provisions described above and would require every owner of a subsurface installation, with a specified exception, to become a member of, participate in, and share in the costs of specified regional notification centers

Existing law, operative July 1, 1983, also provides 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

This bill would repeal the above provision and would reenact a substantially similar provision, to be operative July 1, 1984.

(2) The bill would specify that its provisions shall not apply to waterlines or pressurized sewerlines owned or operated by local agencies or to water corporations, as defined, which own or operate subsurface installations, until January 1, 1985

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

Ch 1154 (AB 1651) Katz Small Business Development Center Act

Existing law provides various programs within state government, to carry out specified functions with respect to state economic policy

This bill would specify legislative findings, declarations and intent regarding small businesses.

The bill would enact the Small Business Development Center Act, would create a Small Business Development Center within the Department of Economic and Business Development, and would require the department to develop a Small Business Development Center plan, as specified The center would adopt personnel rules and regulations for its employees and would be authorized to appoint agents and employees as it requires

This bill would take effect immediately as an urgency statute

Ch 1155 (AB 1806) Tanner Hazardous Substance Account. tax

(1) Existing law imposes a tax, payable annually until July 1, 1991, upon the disposal of hazardous waste and the amounts collected are deposited in the Hazardous Substance Account ("California Superfund"). The State Board of Equalization is required, under existing law, to set the tax rate based upon a specified formula, but the maximum amount of taxes which can be collected in any one fiscal year cannot exceed 10 million dollars, less the unobligated balance in the Hazardous Substance Account

This bill would require the board to notify the State Director of Health Services if the board finds that the total amount of the taxes which will be collected for a fiscal year will be less than the maximum amount, and if the director makes a finding that the increase in the tax collection would be cost-effective, the director would be required to request the board to recalculate the tax. The board would be required to recalculate the tax rate, as requested, and assess, collect, refund, and credit the taxes, as specified

The bill would impose a tax for purposes of Article XIII A of the California Constitution

The department would be required to reimburse the board for specified costs incurred by the board and, if there is a dispute as to the amount of these costs, the Director of Finance would be required to determine the amount

The bill would also require a taxpayer to deliver a remittance of the amount of the assessed tax to the office of the board within 30 days after the tax is assessed

(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 impose a state-mandated local program by recalculating the tax and fees paid by any city, county, or district which disposes of hazardous waste.

The 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 1156 (AB 1853) Filante Health

Under existing law, the Emergency Medical Service Authority is required to establish planning and implementation guidelines for emergency medical service systems, and

adopt certain rules and regulations Current law authorizes the probation, suspension, or revocation of any certificate issued under these provisions upon certain grounds, and requires that proceedings for probation, suspension, revocation, or denial of a certificate, renewal of a certificate, or the approval of any training program be in accordance with the Administrative Procedure Act

This bill would delete the reference in that provision to approval of training programs. The bill would also require that proceedings for probation, suspension, revocation, or denial of a certificate, or denial of a renewal of a certificate be held in accordance with guidelines established by the authority, rather than being held in accordance with the Administrative Procedure Act. The bill would permit a medical director of the local EMS agency to place a certificate holder on probation, or suspend or revoke any certificate issued under the emergency medical services program in accordance with guidelines established by the Emergency Medical Service Authority upon the finding by the medical director of an imminent threat to the public health and safety as evidenced by the occurrence of certain actions The bill would permit the authority to issue provisional guidelines pending approval by the Commission on Emergency Medical Services of the permanent guidelines, as specified.

The bill would contain a declaration of legislative intent

Existing provisions of law prohibit inclusions in the utilization controls adopted by the State Department of Health Services of prior authorization for portable X-ray services, as specified

This bill would require the State Director of Health Services, in implementing these provisions, to adopt emergency regulations.

This bill would take effect immediately as an urgency statute.

Ch. 1157 (AB 1858) Young. Consumer credit regulation of finance charges.

Existing law, known as the Unruh Act, prescribes in two sets of provisions, one operative until January 1, 1984, and the other operative on January 1, 1984, 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

This bill would delay the date when the former provisions were to be repealed and the latter were to become operative to January 1, 1986

Ch. 1158 (AB 1879) Davis. Sales and use taxes. monetized bullion

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 that 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

The existing Sales and Use Tax Law exempts from the sales and use taxes the gross receipts from the sales in bulk of certain monetized bullion, as defined.

This bill would provide that, for purposes of that exemption, the term "monetized bullion" also means ~~commemorative~~* gold ~~art~~* medallions struck under authority of the federal American Arts Gold Medallion Act

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. 1159 (AB 1946) Harris Dissolution of marriage

Existing law provides for the entry of an interlocutory judgment with regard to the dissolution of a marriage

This bill would eliminate the requirement of the entry of an interlocutory judgment in proceedings for the dissolution of a marriage

It would also make related changes

The bill would become operative on July 1, 1984

The bill would impose a state-mandated local program or higher level of service on

local governments by imposing new duties on the county clerk.

This bill would incorporate changes proposed by AB 1391 to become effective on January 1, 1984, if both bills are chaptered and this bill is chaptered after that 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. 1160 (AB 1987) Lancaster. Workers' compensation: apportionment of injuries.

Existing law provides that an employee who is suffering from a previous permanent disability or physical impairment and sustains permanent injury thereafter shall not receive workers' compensation for the later injury in excess of the compensation allowed for that injury when considered by itself and not in conjunction with the previous disability or impairment.

This bill would, in addition, provide that an employee who has sustained a compensable injury and who subsequently sustains an unrelated noncompensable injury, shall not receive permanent disability indemnity for any permanent disability caused solely by the subsequent noncompensable injury, and would state the intent of the Legislature to overrule a specified court case.

Ch. 1161 (AB 2049) Vasconcellos. Bank and corporation tax laws: contributions.

(1) Under the existing Bank and Corporation Tax Law, a credit of a specified amount is allowed for making a qualified charitable contribution, as defined, to certain educational organizations which are not institutions of higher education if certain conditions are met.

This bill would allow that credit to be taken for making a qualified charitable contribution to a California Youth Authority education program or school, a juvenile court school, a school in a state prison or county jail if certain conditions are met, and a school or educational program in a state hospital.

(2) 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. However, Chapter 1559 of the Statutes of 1982, allows for income years beginning on and after July 1, 1983, 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 or experimentation purposes or for research training in physical or biological sciences.

This bill would additionally allow that larger deduction if the property is used by the college or university for research training in applied sciences, or for instructional purposes. It would limit the deduction to contributions made on or after July 1, 1983, and no later than June 30, 1985.

This bill would take effect immediately as a tax levy, but (2) above would be applied to income years beginning on or after July 1, 1983.

Ch. 1162 (AB 2096) Campbell. Adoption records.

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. However, existing law also provides that if an adult adoptee (i.e., a person who has attained the age of 18), his or her natural parent, and any living adoptive parent have each filed a written waiver of his or her rights with respect to the confidentiality of adoption records with the State Department of Social Services or any licensed adoption agency, the department or the licensed agency may arrange for contact among those persons.

This bill would enact the Adoption Information Act of 1983 which, on and after January 1, 1986, would provide a new procedure for (1) the disclosure of the names and

addresses of adoptees who have reached the age of 21, contained in the records of the State Department of Social Services and licensed adoption agencies, to the birth parents of the adopted persons; (2) the disclosure of the names and address of birth parents contained in those records to adopted persons who have attained the age of 21; and (3) under certain limited circumstances, the disclosure of the names and addresses of the birth parents of an adoptee under the age of 21 to the person's adoptive parents, upon the submission of a request to the department or the licensed adoption agency that joined in the adoption petition The bill would require licensed county adoption agencies to make a notification and, in certain instances, to respond to requests in this regard, thus establishing a state-mandated local program.

It would also make a related change

Existing law requires, with respect to agency adoptions, the submission of a medical report on the child's medical background to the prospective adopting parents

This bill, on and after January 1, 1986, would provide a similar requirement with regard to independent adoptions, thus establishing a state-mandated local program, as the report would in certain instances be required to be prepared by a county adoption agency.

It would also require the State Department of Social Services to adopt regulations delineating a procedure whereby an adoptee who has attained the age of 21 or who is married, or the adoptive parent of an unmarried adoptee who is under the age of 21, may obtain a copy of such a report from the department or the licensed agency that prepared the report, as specified, by January 1, 1985 Insofar as it would require any licensed adoption agency, including licensed county adoption agencies, to respond to such a request, it would establish a state-mandated local program

The bill would authorize the imposition of fees, as specified, to cover the costs of the programs and services it would impose on licensed adoption agencies

The bill would provide that the provisions of this act relating to the new procedure for disclosure of names and addresses shall only apply to relinquishments for or consents to adoption signed on or after January 1, 1984.

It would also create the Adoption Information Fund in the State Treasury, the funds of which would be available for appropriation by the Legislature for the support of specified state programs established by the bill.

It would make 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 1163 (AB 2166) Bane State Board of Education student members

Existing law provides for a State Board of Education, consisting of 10 members appointed by the Governor with the advice and consent of ⅔ of the Senate Current law also provides that a person is incapable of holding civil office if at the time of election or appointment he or she is not 18 years of age and a citizen of the state

This bill would, notwithstanding these provisions, require the Governor to appoint a student member to the State Board of Education with the advice and consent of ⅔ of the Senate and would require that the student member be, at the time the student's one-year term commences, a student enrolled in good standing in grade 12 in a public high school

This bill would also require that the student member be a voting member with the full rights and duties of the other 10 members of the board and would specify the procedure for the student member's selection

This bill would make these provisions inoperative on August 1, 1986, and would repeal them as of January 1, 1987

Ch. 1164 (AB 2158) Hayden Income taxation

Existing provisions of the Personal Income Tax Law and Bank and Corporation Tax Law authorize, for taxable or income years beginning before specified dates, each

taxpayer to deduct from the taxes imposed by that law a credit equal to a specified percentage of the cost incurred by the taxpayer for energy conservation measures, as defined, installed on premises in California which are owned by the taxpayer at the time of installation.

This bill would revise qualifications for the credit with respect to insulation, ventilation, heat pumps, and water heating heat pumps.

This bill would also change the allowable tax credit on certain energy conservation measures from the current 40% to 35%, if the installations occur on or after August 1, 1983.

This bill would take effect immediately as a tax levy, but its operative date would be delayed.

Ch. 1165 (SB 288) Rosenthal Dental care plans annuitants.

Existing law permits the state to contract with carriers for dental care plans for employees and annuitants, as specified.

This bill would permit specified state employee annuitants who retired from service with the state, or a member of the Legislators' Retirement System, to enroll in dental care plans, as specified.

This bill would provide that the Board of Administration of the Public Employees' Retirement System shall have no duty to locate or notify, or to provide the names or addresses of, any annuitant who may be eligible.

This bill would become operative on July 1, 1984, and only if the Legislature appropriates adequate funding to meet the costs thereof, as determined by the Board of Administration of the Public Employees' Retirement System, the Department of Personnel Administration, and the California State University.

Ch. 1166 (AB 277) Goggin Democratic Party

(1) Under existing law, 75% of the state's base delegation allocated by the Democratic National Committee shall be selected from Assembly districts. Of these delegates, ½ must currently be selected by Assembly caucuses, which convene on the first Sunday in May prior to the presidential primary, and ½ shall be elected by a direct vote on the presidential primary ballot.

This bill would impose a state-mandated local program by requiring the direct voter selection of 75% of the base delegation from congressional districts, rather than Assembly districts. The allocation of delegates would be based on a prescribed formula which would rely on the preceding presidential and gubernatorial elections. The remaining 25% of the base delegation would be elected at-large, as revised, based substantially on the presidential primary vote. It would revise the Democratic Presidential Primary Election Ballot to reflect the changes in the bill and it would revise the write-in procedure for that ballot.

(2) Existing law prescribes the membership composition of the Democratic State Central Committee.

This bill would increase the membership to that committee by including certain former statewide officeholders.

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.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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. 1167 (AB 299) Goggin Procedure

Existing law provides that an immaterial allegation includes one that has no proper relationship to a claim or defense otherwise properly pleaded.

This bill would provide instead that an immaterial allegation includes an allegation that is not pertinent to or supported by an otherwise sufficient claim or defense.

Under existing law, a party may make a motion to strike the whole or any part of a pleading

This bill would expressly authorize a court, if the motion is granted as specified, to order that an amendment or amended pleading be filed, and would require the courts if the motion is denied, to allow the party filing the motion to strike to file an answer

Existing law does not expressly authorize a court to dismiss an action upon the granting of a motion to strike a complaint without leave to amend or upon the granting of a motion to strike a complaint with leave to amend and it is not amended as specified

This bill would do so

This bill also would provide for the entry of a default judgment if a motion to strike an answer is granted without leave to amend or granted with leave to amend and it is not amended

This bill would make other technical changes.

Ch. 1168 (AB 393) Frazee Emergency services

(1) Existing law permits a proposal for the creation of a local agency within the County of San Diego for the purposes of providing fire protection or prevention services or police protection services, and a proposal for the adoption by that local agency of a special tax, to be combined and presented to the voters as a single ballot proposition Existing law specifies that the agency so created is ineligible to participate in the distribution of funds from the Special District Augmentation Fund

This bill would delete the provision limiting the application of the above provision to a local agency created within the County of San Diego, and would permit the local agency to be created for the purpose of providing fire suppression services in addition to fire protection or prevention services or police protection services The bill would also delete the provision making the local agency ineligible to participate in the distribution of funds from the Special District Augmentation Fund

(2) Under the existing law of evidence, various presumptions are recognized

This bill, with certain exceptions, would grant a public entity or emergency rescue personnel, as defined, acting within the scope of employment, immunity from liability for injuries caused by any action taken when providing emergency services, as defined, unless the action was performed in bad faith or in a grossly negligent manner. In addition, the bill would provide a presumption that the action was performed in good faith without gross negligence

(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 impose a state-mandated local program by requiring the board of supervisors and the county auditor of the County of San Diego to perform certain functions with respect to the allocation and distribution of funds to a local agency created in San Diego County

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 1169 (AB 1156) McAlister. Unemployment insurance: Employment Training Fund

Existing law, as enacted by Chapter 1075 of the Statutes of 1982, requires employers to pay into the Employment Training Fund contributions based on employee wages to be used for an employment training program. That chapter also requires employer accounts in the Unemployment Fund to be charged with extended unemployment compensation benefits paid to former employees.

This bill would make various technical and clarifying changes to implement this law.

Ch 1170 (AB 1550) Johnson. Minors: visitation

Under existing law, after finding that a minor is a person who may be adjudged a dependent child of the court, the court is required to hear evidence on the question of the proper disposition of the minor, including receiving in evidence a social study of the minor required to be made by the probation officer.

This bill would require the social study to contain a discussion of whether the best interests of the minor will be served by granting reasonable visitation rights with the minor to his or her grandparents, thus establishing a state-mandated local program.

It also would provide that where a court has ordered that such a minor shall be removed from the physical custody of his or her parents, it shall consider whether the family ties and best interests of the minor will be served by granting visitation rights with the child to the minor's grandparents.

It also would require that the family reunification services required to be provided or arranged for by county welfare department staff pursuant to existing law shall include a plan for visitation of the child by his or her grandparents, as specified, thus establishing a state-mandated local program.

It also would incorporate additional changes in Section 362 of the Welfare and Institutions Code, contingent upon the prior enactment of SB 99.

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.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 1171 (AB 1905) Goggin. State resources.

(1) Under existing law, whenever lands owned by the state and under the jurisdiction of the State Lands Commission are leased for grazing or commercial, industrial, recreational, or other purposes, the lessee is required to execute a lease within 30 days after delivery by the commission and to pay the first annual rental or other consideration.

This bill would repeal those provisions.

(2) Existing law requires the commission to make leases for the extraction and removal of oil and gas deposits from state lands to the highest qualified bidder, except that, where wells from private or public lands are draining or may drain oil and gas or geothermal resources from state lands, the commission may negotiate and enter into leases for the development of state lands through drilling from adjoining lands.

This bill would delete the current exception and instead authorize the commission to negotiate and enter into agreements for compensation for drainage of oil and gas, or geothermal resources or leases of state-owned lands, where (a) wells upon private or public lands are draining or may drain oil or gas or geothermal resources from the state-owned lands, (b) the lands are determined by the commission to be unsuitable for competitive bidding because of such factors as their small size, irregular configuration, or inaccessibility from surface drill sites, (c) the state owns a fractional interest in the lands, or (d) the lease or agreement is determined by the commission to be in the best interests of the state.

(3) Existing law authorizes the commission to exchange in kind oil, gas, and other

hydrocarbons taken from state-owned lands for refined products used by state or other public agencies.

This bill would also authorize the commission to allow another state or public agency to take in kind oil, gas, or other hydrocarbons taken from state-owned lands. The state or public agency would be charged the current market value for these products

(4) Existing law gives the person buying state land in which mineral rights other than oil and gas are reserved a preferential right to apply for a prospecting permit within 6 months of purchase.

This bill would delete those provisions

(5) Under existing law, annually until January 1, 1985, the State Energy Resources Conservation and Development Commission is required to report no later than April 15 to the Governor and the Legislature on emerging trends relating to the supply, demand, pricing of petroleum and petroleum products and investments in production and refining, as specified.

This bill would change the date that report is required to be submitted from April 15 to June 30 of each year.

Ch 1172 (SB 40) Torres Food, drugs, and cosmetics

(1) Existing California law does not require drugs, devices, or cosmetics which may be purchased without a prescription to comply with federal regulations relating to tamper-resistant packaging

This bill would provide that any nonprescription drug, device, or cosmetic is adulterated or misbranded if it is subject to federal regulations relating to tamper-resistant packaging, as specified, and does not comply with those regulations

The bill would require the State Department of Health Services to conduct a study of feasible methods for the packaging and sale of food products which will afford the greatest protection to the public from the adulteration of those products

(2) Existing law makes it unlawful for any person to willfully poison any spring, well, or reservoir of water or willfully mingle any harmful substance with any food, drink, or medicine with intent that it be taken by any human being to his or her injury and provides that a violation of these provisions is punishable by imprisonment in the state prison for 2, 3, or 4 years

This bill would recast the provisions relative to the mingling of any harmful substance with any food, drink, or medicine, or poisoning any spring, well or reservoir of water, so that the willful mingling of any poison or harmful substance with any food, drink, medicine, or pharmaceutical product or any spring, well or reservoir of water, as specified, would be a felony punishable with imprisonment in the state prison for 2, 3, or 4 years, except as specified

The bill would also prohibit the making of false reports relative to the above.

This bill would impose a state-mandated local program by creating a new crime.

(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 1173 (SB 72) Carpenter. Medi-Cal benefits.

Under existing law, the health benefits provided to low-income and indigent recipients by the Medi-Cal program include inpatient hospital services generally, subject to utilization controls

This bill would specify that the Medi-Cal program shall pay for donor and recipient surgery when a liver transplant is provided a Medi-Cal beneficiary by a medical facility approved by the department to perform liver transplant surgery

This bill would take effect immediately as an urgency measure

Ch. 1174 (SB 162) Watson. Mental health: confidentiality

(1) 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 provide for the release of information, upon consent of the patient, specifically pertaining to the existence of genetically handicapping conditions to qualified professional persons, as defined, for purposes of genetic counseling for blood relatives upon request of the blood relative. The bill would also permit this information to be released if the patient does not or cannot respond to a request for permission to release this information after a reasonable attempt has been made over a 2-week period to get a response.

(2) Existing law provides that, upon request of a member of the family of a patient, or other designee, a public or private mental health treatment facility shall provide notification of the patient's death or release from the facility Further, with the patient's authorization, the facility must give additional notification, to include the patient's admission, transfer, and serious illness.

This bill would require, instead, that the facility advise the next of kin, or other person designated by the patient, of the patient's admission, unless the patient requests that this information not be provided, and to make reasonable attempts to notify these persons of the patient's release, transfer, serious illness, injury, or death, only upon the request of the family member, unless the patient requests that this information not be provided. This bill would require the facility to advise patients of their right to request that this information not be provided The bill would also state that no public or private entity or public or private employee shall be liable for damages caused or alleged to be caused by the release or failure to release this information.

(3) This bill would incorporate additional changes in Section 5328 of the Welfare and Institutions Code proposed by AB 1551, which would become operative only if both this bill and AB 1551 are both 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 impose a state-mandated local program by requiring public mental health facilities under local governmental jurisdiction to make specified disclosures concerning patient status.

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. 1175 (SB 228) B. Greene Public social services administrative cost control

Existing law provides that administrative cost control plans shall be developed by the State Department of Social Services for county administration of the Aid to Families with Dependent Children (AFDC) and Food Stamp programs, and by the State Department of Health Services for county eligibility determinations under the Medical Assistance (Medi-Cal) program.

This bill would provide that these plans shall be part of a single administrative cost control plan, jointly developed by the State Department of Social Services and the State Department of Health Services, in conjunction with the counties, for the AFDC, Food Stamp, and Medical Assistance (Medi-Cal) programs. This bill would also provide that both departments budget, administer, and allocate state funds for county administration in a uniform and consistent manner

The bill would specify that, in order to conform to federal requirements, nothing in its provisions shall be construed so as to affect the jurisdiction of the State Department of Health Services as the single state agency responsible for administration of the Medi-Cal program

Ch 1176 (SB 341) Foran. Renegotiable rate mortgages

Existing law authorizes the use of variable interest rate loans, adjustable payment—adjustable rate loans, and renegotiable rate mortgage loans, as specified, and regulates certain other loans secured by real property which provide for installment payments.

Under existing law, the Savings and Loan Commissioner is authorized to permit, by regulation, domestic savings and loan associations to make loans at other than a fixed rate Existing law repeals that provision on December 31, 1983, and provides for the expiration of regulations, as specified

This bill would repeal that authority of the Savings and Loan Commissioner.

It would authorize savings and loan associations to adjust the interest rate, payment, balance, or term-to-maturity on loans secured by real property, if authorized by the loan contract, except as otherwise specified.

Under existing law, a savings and loan association may make loans secured by the pledge of notes evidencing loans if secured by property upon which the association may make a direct loan if certain collateral requirements are met

This bill would provide that, notwithstanding any other provision of law, an association may make a loan secured by an assignment of one or more loans to the extent that it could make or purchase the underlying loan

Existing law imposes certain restrictions upon loans on the security of unimproved real property which is a building site for the borrower's home.

This bill would permit those loans where repayable within 15 years, with interest payable at least semiannually

The bill would make related changes.

This bill also would make changes in the numbering of provisions, contingent upon the enactment of AB 1434.

Ch. 1177 (SB 342) Alquist. Low-level radioactive waste

(1) Under existing law, the State Department of Health Services is required 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 Within 18 months after developing these storage plans and classification schemes, the department is required to identify, in a study, those regions of the state which would meet certain land disposal siting criteria Existing law defines "low-level waste" for these purposes as any radioactive waste except high-level radioactive waste and transuranic waste, which, in turn, is defined as including any waste containing more than 10 nanocuries of transuranic elements per gram of waste material.

This bill would redefine transuranic waste by increasing the amount of nanocuries of alpha-emitting transuranic elements per gram which the waste could contain to 100 nanocuries.

The bill would instead require the Governor to direct the appropriate state agency or agencies, as determined by the Governor, to complete a study identifying those regions within the state which would meet these criteria within six months after the effective date of the bill. The bill would authorize the state agency or agencies, so directed, to request the assistance of state or federal agencies or private organizations The bill would also specify that the department's authority to issue licenses for the receipt of radioactive material is not to be affected by the requirements to conduct these studies and plans

(2) Existing law prohibits the department from granting a license to receive radioactive material from other persons for disposal on land unless certain requirements are satisfied concerning the site's ownership, public health and safety, and a finding by the Secretary of the Resources Agency that the site will benefit atomic energy development

This bill would additionally require the applicant to comply with emergency regulations, which the department would be directed to adopt within 6 months after the effective date of the bill, for the licensing of those persons engaged in the land disposal of low-level waste The bill would require these emergency regulations to be consistent with specified federal regulations, and to be adopted solely to clarify and render specific, for application in California, these federal regulations and for establishing procedures to implement these provisions These emergency regulations would be required to be adopted pursuant to certain provisions concerning regulatory review by the Office of Administrative Law but that office would be prohibited from repealing these emer-

gency regulations

The bill would delete the required finding by the Secretary of the Resources Agency, and would authorize the department to limit the number of radioactive waste land disposal licenses. The department would be authorized to establish a license fee.

The bill would require that all applicants filing a statement of capabilities and notice of intent to file an application for a license to receive radioactive materials for land disposal to file within 3 months after the department has issued certain regulations. The bill would require the department to receive and evaluate these statements of capability and notices of intent within 45 days after the end of the 3-month filing period and if the department determines that it has received one or more of these statements which is likely to result in the filing of an application for a license, the department would be required to select, within that 45-day period, one of the persons filing the statement and notice as a license designee. The department would be authorized to establish, pursuant to emergency regulations, procedures for that review and selection and to establish and collect a fee for filing the statement and notice with the department The bill would authorize the department to solicit additional statements and notices under certain situations and to require that a license designee post a bond of up to $1,000,000.

The bill would require the Secretary of the Resources Agency to file an application for licensing a state owned or operated radioactive waste land disposal site within one year after receiving notice from the department that the department has not yet received a statement of capabilities and a notice of intent to file a suitable application to operate such a land disposal site, as determined by the director within the 45-day period specified above The bill would authorize the Department of Finance, upon the request of the Resources Agency, to provide a loan from the General Fund for the purpose of implementing the filing provisions The Resources Agency would be required to repay the loans pursuant to the terms and conditions prescribed by the Department of Finance, including interest at a specified rate The bill would prohibit the Director of Finance from providing more than $2,000,000 in the 1983–84 fiscal year and would limit the total amount of loans to $15,000,000, with the loans for the 1984–85 fiscal year and thereafter, specified in the annual Budget Act The bill would provide that, if a state owned or operated site is established pursuant to these provisions, the Secretary of the Resources Agency would be required to establish a schedule of fees upon persons disposing of radioactive materials at the site, which would be set at an amount sufficient to reimburse the state for any costs incurred in developing, constructing, or operating the site

The bill would also authorize the department to require that all schedules of fees charged by an owner or operator of a licensed radioactive waste disposal site be submitted to, and approved by, the department according to certain procedures

(3) Existing law authorizes 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

This bill would delete the requirement that the Legislature enact enabling statutory provisions, and thus would precondition the authorization of the department to establish and operate low-level radioactive waste interim storage facilities upon the department's preparation of the contingency plans and classification scheme The bill would require the facility to be consistent with the contingency plans and classification scheme developed as part of the low-level radioactive waste plan specified above and would also require the department to file a notice with the Legislature 60 days prior to establishing the facility

(4) Under the federal Low-Level Radioactive Waste Policy Act, states are authorized to enter into interstate compacts to provide for the establishment and operation of regional disposal facilities for low-level radioactive waste

This bill would require the Governor to negotiate and enter into an agreement or compact with other states, or into an agreement with compacts, for the purpose of establishing access to, or maintaining access to, land disposal facilities and would specify that the agreement or compact may include a provision concerning the reciprocal access to California permanent disposal facilities by the other parties to the agreement or compact The bill would require the Governor to report to the Legislature on the status

of these negotiations not later than four months after the effective date of this act, and every four months thereafter, until an agreement or compact is entered into or the negotiations are terminated. The bill would also require the ratification by statute by the Legislature of any agreement that proposes membership for California in a compact made pursuant to the federal act or any agreement that includes a reciprocal access provision.

(5) The bill would make legislative findings with regard to the disposal of low-level radioactive waste and the impact of federal law.

(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 impose a state-mandated local program by expanding the definition of low-level radioactive waste for purposes of certain provisions, including provisions which impose fees upon generators of low-level radioactive waste, including cities, counties, and districts.

The 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) 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.

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

Ch 1178 (SB 364) Russell Nuisances

Existing law provides that remedies against a public nuisance are indictment or information, a civil action, or abatement, and provides 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

This bill would expressly authorize a court to award costs in such cases, as specified, to the prevailing party, and would authorize a court to award costs, as specified, in cases under the Red Light Abatement 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 impose a state-mandated local program by permitting the awarding of costs to a prevailing defendant in specified cases brought by a local governmental entity.

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

Ch 1179 (SB 384) Foran State highways· excess real property.

(1) The Department of Transportation is authorized to acquire real property for state highway purposes The department is required, notwithstanding any other law, to first offer 20 parcels of excess state highway real property along the Shepard Canyon corridor in the City of Oakland for sale or exchange to the City of Oakland for open space or park and recreational purposes, or both

This bill would repeal the requirement that the department first offer these 20 parcels of excess real property to the City of Oakland

(2) Under existing law, the department is required, if it sells or exchanges as excess real property the old Greek Orthodox Church property in the City of Oakland, to first offer the property for sale to the Committee to Save the Brush Street Church.

This bill would repeal the provisions on the sale or exchange of the old Greek Orthodox Church property in the City of Oakland

Ch. 1180 (SB 438) Torres. Real estate investments of PERS: limitations

The Public Employees' Retirement Law authorizes the Board of Administration of the Public Employees' Retirement System to invest not to exceed 10% of the assets of the system in real estate and leases thereof and improvements thereon for business or residential purposes, but expressly excludes therefrom real estate or leases primarily intended for use or valued as agricultural, horticultural, farm, ranch, or mineral property.

This bill would delete that exclusion and the 10% of the assets limitation on those investments.

Ch. 1181 (SB 443) Keene. California Maritime Academy: Continuing Education Revenue Fund

Under existing law, the California Maritime Academy provides instruction on the nautical sciences, marine engineering, and related fields

This bill would establish the California Maritime Academy Continuing Education Revenue Fund, composed of revenues received from extension programs and other self-supporting instructional programs of the California Maritime Academy This bill would appropriate, without regard to fiscal year, all moneys in the California Maritime Academy Continuing Education Revenue Fund to the Board of Governors of the California Maritime Academy for the support and improvement of the academy. This bill would authorize the Treasurer to invest moneys in the California Maritime Academy Continuing Education Revenue Fund, upon the approval of the Board of Governors, in eligible securities.

This bill would require the Legislative Analyst to submit a report to the Legislature, as part of the Legislative Analyst's analysis of the 1985–86 Budget Bill, regarding the fiscal condition of the California Maritime Academy Continuing Education Revenue Fund

This bill would take effect immediately as an urgency statute

Ch. 1182 (SB 444) Keene Radioactive waste: ocean disposal.

Existing law prohibits the disposal of radioactive waste which would result in the significant radioactive contamination of the environment and authorizes the State Department of Health Services to prohibit the disposal of radioactive waste The department is authorized to maintain surveillance over the storage, packaging, transporting, and loading of radioactive material within the state, and is also required to monitor radioactive materials in the environment, including radioactive materials in air, milk, food, and water.

This bill would require the department, in cooperation with the Department of Fish and Game and a specified legislative committee, to cooperate with any federal agency monitoring marine life or ocean waters to determine the effects of radioactive waste dumping off the California coast and to purchase and test, at least once every 6 months, samples of seafood taken in the vicinity of the Farallon Islands radioactive waste dump site to determine the radioactivity levels of the seafood The department would also be required to establish a scientific advisory committee on ocean dumping of radioactive waste, composed of scientists from the staffs of specified agencies and private nonprofit marine resource and public policy organizations, who would serve without compensation. The committee would meet at least once a year to analyze the results of the monitoring and testing and make any recommendations that it deems appropriate to the Legislature and specified agencies. The bill would require the advisory committee to design the testing procedures, subject to approval by the department, and to make annual reports to the Legislature on the implementation of these provisions, including recommendations for legislation.

Ch 1183 (SB 467) Alquist. Appropriations. payment of claims.

This bill would appropriate $1,112,447 59 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 state the intent of the Legislature that, when submitting approved claims to the Legislature, the State Board of Control identify claims arising from contractual obligations which resulted from representations by state officers or employees not reasonably authorized to make those representations

This bill would state the intent of the Legislature that certain claims for reimbursement for destroyed property pursuant to Section 15512 of the Fish and Game Code shall be paid from the unappropriated surplus in the Fish and Game Preservation Fund,

which shall be repaid from the Aquaculture Disease Compensation Account in the General Fund, as specified

This bill would take effect immediately as an urgency statute.

Ch. 1184 (SB 468) Alquist. Appropriations: payments of claims.

This bill would appropriate $2,551,379.04 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. 1185 (SB 492) Rosenthal Fiscal affairs: energy assistance.

Existing law provides for the receipt and distribution of funds by the state, according to specified formulas.

Existing law requires the State Office of Economic Opportunity to allocate an amount not to exceed 7.5% of the Low Income Home Energy Assistance Block Grants for crisis intervention, as defined.

This bill would delete the 7.5% limitation on the allocation of those block grant funds for crisis intervention It would also provide that the State Office of Economic Opportunity shall receive and administer all state and federal funds which are allocated to provide energy assistance, as specified, except for those funds which are allocated to, and distributed by, the California Energy Extension Service.

This bill would also provide that the State Office of Economic Opportunity shall have the discretion to adjust payments to the energy supplier or the individual or to make direct payments to the individual for payment to an energy supplier in special circumstances not otherwise provided for in this bill.

This bill would further require that the State Office of Economic Opportunity submit a report to the Legislature no later than January 1, 1985, regarding energy crisis intervention, weatherization programs, and the eligibility for federally funded energy assistance programs.

Ch 1186 (SB 499) Presley. Jury service exemption.

Existing law provides for the excuse of a person from jury service where that 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 and for judges. Existing law provides that in order to be qualified for jury service a person, among other things, shall meet the residency requirements of electors of the state

This bill would specify that any member of the armed services who does not have his or her domicile in California is exempt from jury service.

Ch 1187 (SB 521) Rosenthal. Property taxation: new construction.

Under existing laws relating to property taxation, property is generally assessed at its 1975 value, as increased by an inflationary rate not to exceed 2% a year. Newly constructed property, as defined, is subject to reassessment.

This bill would provide that for purposes of this definition, the portion of reconstruction or improvement to a structure, constructed of unreinforced masonry bearing wall construction, necessary to comply with local ordinances on seismic safety shall not be deemed "newly constructed" for purposes of causing a reassessment during the first 15 years following that reconstruction or improvement

This bill would require that the governing body which enacted the local ordinance issue certificates of compliance to property owners who comply and further requires that the property owners file the certificates with the county assessor

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 be operative only if SCA 14 of the 1983–84 Regular Session of the Legislature is approved by the voters.

Ch 1188 (SB 545) Robbins. Justice court judges: compensation.

(1) Under existing law, the salaries of justice court judges are set by the boards of supervisors of their respective counties, except as to certain justice court judges who meet prescribed qualifications, and who have been certified by the chairman of the Judicial Council as acceptable for judicial assignments to other courts. The salaries of the latter justice court judges are prescribed by statute.

This bill would increase the statutory salary for the latter category of justice court judges to equal that paid to municipal court judges.

(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.

The bill would also declare the intent of the Legislature in this regard.

(3) This bill, in compliance with Section 2231.5 of the Revenue and Taxation Code, would also repeal, as of January 1, 1990, the provisions contained in the bill for which state reimbursement is required

Ch 1189 (SB 547) Nielsen. Yolo County flood control

(1) Existing law creates the Yolo County Flood Control and Water Conservation District to provide for the control and disposition of the storm and flood waters of the district and vests specified powers in the district.

This bill would, subject to specified restrictions, authorize the district to generate hydroelectric energy and to use the power for its own purposes or for sale to public utilities or public agencies

(2) Under existing law, the district is authorized to dispose of or lease its property in the manner provided by law for the disposition and sale of property of counties.

This bill would alternatively authorize the district, upon the unanimous vote of the board, to negotiate the sale or disposition of its property upon the best terms available to the district

The bill would also authorize the district to lease or grant an interest in district property for a use or purpose that will not interfere with or be inconsistent with district uses and purposes, in accordance with prescribed provisions or procedures.

(3) Under existing law, all contracts of the district for the construction of any unit of work estimated to cost in excess of $2,000 are required, with specified exceptions, to be let to the lowest responsible bidder in accordance with prescribed procedures

This bill would increase that amount to $5,000, would delete a requirement generally for competitive bidding for the purchase of materials or supplies in excess of $2,500, and would make related changes

(4) Under existing law, the district may establish zones to finance works of the district

This bill would establish an alternative procedure for the formation of zones within the district and the levy of assessments for zone projects

(5) Under existing law, the board may fix rates and charges for water, services, and benefits provided by the district

This bill would authorize the district to require the payment of penalties and interest, as specified, for delinquent rates, charges, and assessments and provide for the delinquent rates, charges, and assessments, and penalties and interest thereon, to be a lien on the land enforceable in the same manner as county tax liens

(6) Under existing law, the district is authorized to fix, in accordance with prescribed procedures, a water standby or availability charge, as specified, for land 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 limit the charge to $10 per acre per year or $10 per year for any parcel of less than one acre

(7) Under existing law, territory within the district not substantially benefited by being within the district may be excluded in accordance with prescribed procedures.

This bill would delete those procedures and would provide generally that the district

is subject to the District Reorganization Act of 1965, and that noncontiguous territory may be annexed to or detached from the district.

(8) Under existing law, irrigation districts and their employees, under specified circumstances and subject to specified exceptions, are exempt from liability for injuries caused by the condition of canals, conduits, or drains used for the distribution of water.

This bill would specify that the district shall be considered an irrigation district under these provisions

Ch. 1190 (SB 549) Nielsen. State surplus property.

Existing law authorizes the Director of General Services to execute grants to real property belonging to the state whenever such property is sold or exchanged.

This bill would authorize the Director of General Services to sell, exchange, or lease specified property pursuant to those terms and conditions which the director feels are in the best interest of the state, as specified This bill would require public notice in the disposition of property and specify the money received shall be paid into the General Fund, except as otherwise noted

Ch 1191 (SB 612) Alquist Natural disaster relief

Existing law provides for the Seismic Safety Commission within the Seismic Safety Act with related responsibilities In addition, existing law authorizes the commission to do certain things to carry out its responsibilities

This bill, in addition to existing law, would allow the commission to conduct a comprehensive investigation of the Coalinga earthquake of May 2, 1983, and to prepare and publish a report, as specified, concerning the earthquake which shall include certain recommendations to the Governor and the Legislature.

In addition, the bill would appropriate $100,000 from the revenues received by the State Lands Commission, provided for in Section 6217 of the Public Resources Code, for the above mentioned investigation and preparation of the report

The bill would take effect immediately as an urgency statute.

Ch 1192 (SB 624) L Greene Waiver authority. exceptions.

Under existing law, the governing board of a school district may, after a public hearing on the matter, request the State Board of Education to waive all or part of any provision of the Education Code except for certain specified statutory provisions.

This bill would also permit a county board of education to request a waiver pursuant to the same procedures.

This bill would expand the number of statutory provisions which cannot be waived.

This bill would also make technical, nonsubstantive changes.

Ch 1193 (SB 635) McCorquodale Crimes.

Existing law defines rape, among other things, as an act of sexual intercourse accomplished with the spouse of the perpetrator [against the will of the spouse by means of force or fear of immediate and unlawful bodily injury or]* 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 prohibits any arrest or prosecution therefor, unless the violation is reported within 30 days.

This bill would extend to 90 days the time for reporting the violation

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 impose a state-mandated local program by providing for arrest and prosecution in additional criminal cases

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

Ch 1194 (SB 668) Presley. Fines and forfeitures.

Existing law, operative upon the adoption of a specified resolution of the board of supervisors thereof, establishes a surcharge of limited duration on parking fines and an

assessment of limited duration on criminal fines in the County of Los Angeles and provides for the deposit of specified amounts into the Courthouse Temporary Construction Fund to be established in their county treasuries, as specified, to be used solely for courthouse construction. Similar provisions exist for the City and County of San Francisco.

This bill would enact similar provisions with respect to other counties, to permit an assessment of limited duration on nonparking offenses for assistance in the acquisition, rehabilitation, construction, and financing of courtrooms, courtroom buildings, or buildings containing facilities necessary to the operation of the courts in those counties, and make corresponding changes, contingent upon the enactment of AB 1485.

Chapter 541 of the Statutes of 1983 provides that, commencing on January 1, 1984, a subpoena may be delivered by mail or messenger to a witness in a criminal case and service is effected when the witness acknowledges receipt of the subpoena to the sender, by telephone, by mail, or in person, and identifies himself or herself by reference to his or her date of birth, and driver's license number or Department of Motor Vehicles identification card number. A subpoena issued and acknowledged pursuant to these provisions would have the same force and effect of one personally served. These provisions would remain in effect until January 1, 1987, and on that date would be repealed

This bill would, in addition, provide that a party requesting a continuance based upon the failure of a witness to appear pursuant to a subpoena shall prove to the court that he or she has complied with the foregoing requirements for proper service of the subpoena and would limit the grant of a continuance to the time required for personal service of the subpoena

Existing law provides for the distribution of a percentage of all fines and forfeitures resulting from arrests by members of the police department or fire department of a community services district to be credited to the community services district by the county treasurer

This bill would provide a similar distribution with regard to fines and forfeitures resulting from arrests made by officers of a police protection district to be credited to the police protection district by the county treasurer.

This bill would impose a state-mandated local program by imposing new duties on the county treasurer.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 1195 (SB 680) Seymour. Subdividers release of security

(1) Existing law specifies the conditions under which security which has been given by a subdivider to guarantee the completion of improvements or to secure payment to the contractor, subcontractors, and materialmen, may be released

This bill would require, rather than allow, release of the security upon satisfaction of the conditions specified, and would allow retention of only so much of the security as is equal to, rather than not less than, the amount of recorded liens

(2) Existing law requires that parcel maps prepared in connection with a subdivision contain a certificate of the engineer or surveyor responsible for preparation of the maps that all monuments are of the character and occupy the positions indicated and are or will be sufficient to enable the survey to be retraced

This bill would limit this requirement to those parcel maps for which a field survey was performed.

Ch. 1196 (SB 723) Robbins Private Investigator Act.

Existing law, known as the Private Investigator Act, provides for the licensing and regulation of private investigators, private patrol operators, protection dog operators, armored contract carriers and employees of those licensees

This bill would repeal those provisions and would reenact, reorganize, and revise those provisions. The revisions of the law include, among other things, transferring the power

and duty to register employees of licensees to the Bureau of Collection and Investigative Services and the chief of the bureau from the Director and Department of Consumer Affairs, providing that engaging in the business of a protection dog operator without a license is a misdemeanor, providing for two private security disciplinary review committees, rather than one committee, one to meet in the southern portion of the state and one to meet in the northern portion of the state, providing that a review of a denial of a firearms permit may be requested 20 days after notice of the denial rather than 20 days after issuance of the denial, and would include all licensees in provisions requiring a permit for the use of firearms, a baton, or tear gas, rather than specified licensees.

The bill would incorporate changes to these provisions proposed by SB 155 to become operative only if SB 155 is chaptered before this bill is 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

This bill would mandate a new program or higher level of service on local government by creating new crimes.

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. 1197 (SB 738) Torres. Pupil health scoliosis screening: chiropractors.

Existing law requires the governing board of a school district to provide for the screening of pupils for the condition known as scoliosis

Existing law also requires that the screening be conducted by, among others, certificated employees of the district or of the county superintendent of schools who have received the required in-service training to qualify them to perform the screenings, and specifies who may conduct this qualifying in-service training.

This bill would additionally authorize licensed chiropractors to conduct the screening and would add chiropractors who have received specialized training in scoliosis detection to the list of those qualified to conduct in-service training. The bill would prohibit any individual performing the screening of a pupil from treating that pupil for scoliosis should that pupil be found to have scoliosis.

This bill would also require that any pupil suspected of having scoliosis during the initial screening be rescreened by an orthopedic surgeon when there will be no cost to the state, the school district, or the parent or guardian.

Ch. 1198 (SB 748) Ayala Property taxation: timberland.

Existing property tax law prescribes a specific schedule for valuing timberland which was applicable for the 1977–78, 1978–79, and 1979–80 fiscal years. It also provides, commencing with January 1, 1980, for triennial adoption by the State Board of Equalization of new timberland value schedules to be determined in a specified manner.

This bill would delete both the obsolete valuation schedule and the provisions relating to the periodic adoption of new schedules This bill would establish a new valuation schedule for determining the value of timberland zoned as timberland production zone, which would be applicable for the 1984–85 fiscal year and fiscal years thereafter. This bill would require annual adjustment by the board of the full market values contained in the schedule in a specified manner.

Existing property tax law requires the assessor in preparing the assessment roll to use as the value of each parcel of timberland the appropriate grade value certified to the assessor by the board pursuant to the aforementioned provisions of existing law.

This bill would modify the above requirement for the 1984–85 fiscal year and thereafter by requiring the assessor to use the appropriate site value from the new valuation schedule, as it exists or is thereafter modified by the board.

The bill would also require the board to certify to county assessors, by January 10 of each year, the value of timberland zoned as timberland production zones

Ch 1199 (SB 800) Har' Student financial aid: postsecondary education· student opportunity and access p ogram

Under existing law, the Student Aid Commission administers the programs of financial aid provided by the state for postsecondary education.

This bill would continue, until January 1, 1989, a project grant program designed to increase the accessibility of postsecondary educational opportunities to low-income and ethnic minority secondary school students, supported by funds apportioned by the Student Aid Commission Each project would be proposed and operated interinstitutionally, involving at least one secondary school district office and one community college as well as 2 other educational agencies, as specified. This bill would require the commission to establish a 13-member project grant advisory committee, with specified membership, and to complete an evaluation of each funded project by December 31, 1987

This bill would also require the Superintendent of Public Instruction to appoint a representative of the State Department of Education to consult with the advisory committee on specified matters relating to projects

This bill would require that allocation of any funds appropriated for purposes of this bill be limited to those agencies providing equal dollar matching support.

Ch. 1200 (SB 812) L Greene. Board of Registration for Professional Engineers.

Existing law provides that moneys received by the Department of Consumer Affairs pursuant to the Professional Engineers Act shall be kept in a separate fund known as the Professional Engineer's Fund Existing law also provides that moneys received by the department pursuant to the Land Surveyors Act shall be kept in the Professional Engineer's Fund.

This bill would change the name of that fund to the Professional Engineer's and Land Surveyor's Fund and would specify that for accounting and recordkeeping purposes the Professional Engineer's and Land Surveyor's Fund shall be deemed to be a single special fund, and that all fees and civil penalties received under the Professional Engineer's Act and the Land Surveyors Act shall be deposited in the Professional Engineer's and Land Surveyor's Fund, which would be appropriated for the purposes of these two acts, respectively

Existing law specifies the maximum fees which may be fixed by the Board of Registration for Professional Engineers Act for licenses of the Professional Engineers and the Land Surveyors Act

This bill would, among other things, change the maximum application, temporary registration fee, renewal, and delinquency fees for professional engineers, structural engineers, and soil engineers and would change the maximum fee for the land surveyors' examination, the temporary registration fee, and the renewal fee for a land surveyor's license. The bill would also specify that all other document fees for engineers and land surveyors shall be set by the State Board of Registration for Professional Engineers.

The bill would make other technical changes

Ch 1201 (SB 854) Watson. Youth service bureaus

Under existing law, the Department of the Youth Authority is required to share in the cost of youth service bureaus meeting designated standards at the rate of 50% of the actual fiscal year cost or $37,200 per fiscal year, whichever amount is lesser.

This bill would add a statement, that such provisions should not be construed to prohibit the grant of a cost-of-living increase to youth service bureaus and that it shall be determined in the Budget Act whether local matching funds are required with any cost-of-living increase granted from the General Fund.

It would also extend the date for the Department of the Youth Authority to submit a report to the Legislature required by current law relating to youth service bureaus so funded from January 1, 1982, to January 1, 1984

Ch 1202 (SB 870) Deddeh. Local safety member's disability retirement determinations: time limitation

The existing law does not impose a time limitation upon the making of determinations by contracting agencies of applications of local safety members for disability retirement.

This bill would impose a state-mandated local program by requiring the determinations to be made within 6 months of receipt of the request therefor from the Public Employees' Retirement System This bill would authorize the local safety member to

waive its requirements

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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, 1990, the provisions contained in the bill for which state reimbursement is required

Ch. 1203 (SB 429) Carpenter Habitat conservation plan fish and wildlife.

The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined, which is based on various coastal resources planning and management policies set forth in the act.

This bill would require the Department of Fish and Game and the State Coastal Conservancy to jointly prepare upon petition of the County of Orange or any landowner to the department, on or before October 1, 1983, a habitat conservation plan to provide for the conservation of fish and wildlife resources, to anticipate and resolve potential conflicts between the conservation of fish and wildlife resources and their habitat and actions by designated agencies and private persons, and to provide for greater certainty and predictability regarding the conservation of fish and wildlife resources and their habitat and regarding private and public activities potentially affecting those resources

The bill would apply only to designated wetlands, or a portion thereof, in the County of Orange.

The bill would require the plan to be prepared jointly with the State Coastal Conservancy and in cooperation with the county and any landowner The bill would require the plan to be approved by the California Coastal Commission, and, if so approved, the bill would authorize the plan to be incorporated into the county's local coastal program The bill would require all costs of preparation of the plan to be paid by the petitioner, as specified, and would exempt temporary appointments of the department and the State Coastal Conservancy for preparing the plan from all state personnel hiring limitations, requirements, and procedures, except as specified

The bill would provide for related matters.

The bill would take effect immediately as an urgency statute.

Ch. 1204 (SB 762) Keene. Durable powers of attorney.

Existing law provides for durable powers of attorney under the Uniform Durable Power of Attorney Act but does not specifically provide for or regulate durable powers of attorney for health care.

This bill would specifically provide for durable powers of attorney for health care, which would authorize the attorney in fact to make health care decisions for the principal before or after the death of the principal, including those which would dispose of the body or parts thereof, pursuant to the Uniform Anatomical Gift Act. The bill requires such a durable power of attorney to be signed by at least 2 witnesses who would make specified declarations, under penalty of perjury, relative to the signing or acknowledged before a notary public, as specified It would prohibit a treating health care provider, an employee of a treating health care provider, an operator of a community care facility, and an employee of a community care facility from being designated as an attorney in fact It would also prohibit a conservator from being designated as the attorney in fact to make health care decisions under a durable power of attorney for health care executed by a conservatee under the Lanterman-Petris-Short Act, except under certain conditions, as specified It would require printed forms to include specified statements or if a printed form is not used, then the substance of the statements in the printed form and a specified certificate of a lawyer representing the principal would be required to be included in any other document which would create a durable power of attorney. It would require that a printed form of a durable power of attorney for health care be

limited solely to the authorization of health care decisions. It would provide that while the principal has the capacity to give a durable power of attorney, the principal may revoke the power of attorney, as specified. It would provide that unless a shorter period is provided in the durable power of attorney for health care, a durable power of attorney for health care executed after January 1, 1984, expires 7 years after the date of its execution unless at the end of this period the principal lacks the capacity to make health care decisions for himself or herself, in which case the durable power of attorney would continue in effect until the principal regains the capacity to make such decisions. It would provide that the capacity to revoke by the principal is a presumption affecting the burden of proof, and unless it provides otherwise, a valid durable power of attorney for health care revokes any prior durable power of attorney for health care. It would permit a health care provider to rely on a health care decision made by the attorney in fact, as specified. It would impose upon the attorney in fact the duty to act consistent with the known wishes of the principal. It would prohibit an attorney in fact from consenting to the provision of health care if the principal objects or to the withdrawal of health care necessary to keep the principal alive if the principal objects. It would provide that no provider, health care service plan, insurer issuing disability insurance, self-insured employee welfare plan, or nonprofit hospital plan, or similar insurance plan, may condition admission to a facility, or the providing of treatment or insurance, on the requirement that a patient execute a durable power of attorney for health care. It would make related changes and enact related provisions. The bill would impose a state-mandated local program by creating a new crime.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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. 1205 (AB 1586) Costa. Natural disaster relief.

Existing law prescribes procedures, under the Natural Disaster Assistance Act, whereby funds appropriated by the Legislature for such purpose may be allocated by the Director of the Office of Emergency Services, as specified.

This bill would appropriate $5,000,000 to the 1983 Natural Disasters Account, as created by the bill, which account would be in the Natural Disaster Assistance Fund for allocation by the Director of the Office of Emergency Services in accordance with the Natural Disaster Assistance Act. The moneys shall be made available to those who have incurred losses or expenses resulting from the Coalinga earthquake of May 2, 1983, as specified.

This bill would provide that notwithstanding specified provisions of law, the Housing Rehabilitation Loan Fund may be used for reconstructing owner-occupied single family residences condemned due to damage from the Coalinga earthquakes.

The bill would take effect immediately as an urgency statute.

Ch. 1206 (AB 1911) Vasconcellos. Community colleges final budgets.

Under existing law, on or before September 7 of each year, the governing board of each community college district is required to adopt a final budget and submit that budget to the county superintendent of schools. The county superintendent is required to approve the final budget on or before September 15 of each year.

This bill would permit community college district governing boards, for the 1983–84 fiscal year only, to adopt a final budget by October 7, 1983, and would permit the county superintendent, for the 1983–84 fiscal year only, to approve the final budget by October 15, 1983.

This bill would take effect immediately as an urgency statute.

Ch. 1207 (SB 900) Madaly. Health mental health funding: residential treatment facilities.

(1) 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 as the cost of services in contracts by providers with the county. Existing law provides that, for negotiated net amount 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, and that the local match requirement borne by the contracting organization shall not include state or federal funds directly allocated to the contracting organization.

This bill would state the intent of the Legislature that negotiated net amounts and rates, as prescribed, be given preference in contracts for services by county mental health programs The bill would define negotiated net amounts, and negotiated rates, which would be negotiated between the county mental health program and the provider of services and submitted to the State Department of Mental Health prior to the commencement date of the contract for approval. Upon the approval of the State Department of Mental Health, as specified, all governmental funding sources would be bound by the approved net amount as the cost of providing the county program or program component as described in the county Short-Doyle plan or the approved rate as the cost of providing the service to the extent that the governmental funding source participates in funding the mental health program. Where the State Department of Health Services promulgates regulations for determining reimbursement of Short-Doyle mental health services allowable under the Medi-Cal program, those regulations shall be controlling only as to the rates for reimbursement of Short-Doyle mental health services allowable under the Medi-Cal program and rendered to Medi-Cal beneficiaries. The bill would require the State Department of Mental Health and the State Department of Health Services to seek any federal authorizations or waivers necessary to bind Medi-Cal funds pursuant to these provisions. The bill would permit the director to negotiate net amount contracts between counties and the department in lieu of the annual Short-Doyle plan and budgets, as specified, and would state the intent of the Legislature that the department so contract for operations with no more than 3 counties, as specified, until July 1, 1987. The bill would state that it is not the intent of the Legislature to preclude counties from reimbursing providers by other methods when those counties are participating in certain Medi-Cal and Short-Doyle consolidation programs. The bill would require counties that propose to negotiate rate or net amount contracts with the State Department of Mental Health under the above provisions to inform the Mental Health Advisory Board, as specified.

The bill would delete the above provisions relating to the local match requirement

(2) Under existing law, counties are authorized to implement a community residential treatment system, consisting of certain programs, for which the county may apply for funds.

This bill would permit respite care services to be provided as a component of the program for a short-term crisis residential alternative to hospitalization for certain individuals

The bill would also permit community vocational training programs as a component of a noninstitutional day treatment program.

The bill would specify requirements for the establishment of rates by the Director of Mental Health for certain of these programs.

(3) Under existing law, general acute care hospitals may be approved to offer certain special services in addition to the basic services under the license.

This bill would add cardiac catheterization laboratories to these special services. It would also delete reference in these provisions to a general acute care/rehabilitation hospital and refer, instead, to a general acute care hospital which exclusively provides acute medical rehabilitation services.

(4) Existing law exempts certain expansion projects of existing skilled nursing or intermediate care facilities from the certificate-of-need requirement under the state health planning laws if the project does not add more than 10 beds to the facility

This bill would exempt projects to add not more than 5 beds to existing skilled nursing facilities which are operated as a distinct part of a primary health service hospital, if specified conditions exist

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

Ch. 1208 (SB 134) Mello Public social service. adult day health care

(1) Chapter 478 of the Statutes of 1982, effective July 1, 1982, appropriated $250,000 to the State Department of Health Services to fund the establishment of adult day health centers under certain circumstances

This bill would authorize the department, subject to the availability of funding, to conduct a grants-in-aid program for the establishment of new adult day health centers and for adult day health centers which have been licensed in the two years prior to the operative date of this act, as specified The bill would appropriate $350,000 for this purpose without regard to fiscal year.

(2) Existing law requires that every adult day health center be periodically inspected and evaluated, as specified, prior to relicensure or at least once a year and as often as necessary to ensure quality of care.

This bill would, instead provide that these inspections and evaluations be performed prior to recertification, and at least every 2 years and as often as necessary.

(3) The Adult Day Health Medi-Cal Law requires a multidisciplinary health team to reassess the individualized plan of care of each participant under this law, and make necessary adjustments at least quarterly

This bill would, instead, require this action biannually.

(4) Existing law requires that renewal of certification for adult day health care providers expire 24 months from the date of issuance.

This bill would, instead require that the Director of Health Services specify such date as he or she determines is reasonably necessary because of the record of the applicant and to carry out the purposes of the Adult Day Health Medi-Cal Law, but not more than 24 months from the date of issuance, when renewal of such certification will expire.

(5) This bill would appropriate $100,000 to the Department of Social Services, in augmentation of Item 5180-141-001 of the Budget Act of 1983, for allocation in the 1983–84 fiscal year to Orange County, as the state's share of the cost of an automated welfare case budgeting system. The department would be required to allocate the funds only after the department has approved a feasibility study report, prepared by Orange County, regarding the system

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

Ch. 1209 (SB 348) Robbins. Insurance.

Under existing law, any person or entity which provides any of various forms of health expense coverage is presumed to be subject to the jurisdiction of the Department of Insurance unless it shows that it is subject to the jurisdiction of another agency of this or another state or the federal government If it is unable to make that showing, it is required to submit to an examination by the commissioner to determine compliance with the Insurance Code.

This bill would also provide, if it is unable to make that showing, that it shall be required to obtain a certificate of authority and be required to meet all appropriate reserve, surplus, capital, and other necessary requirements imposed on all insurers, as prescribed.

Existing law contains provisions requiring the Department of Insurance to prepare a list of persons or entities providing health coverage subject to the department's jurisdiction, and requiring production agencies and administrators to make specified disclosures concerning health insurance or coverage under certain circumstances

This bill would, until January 1, 1985, with respect to multiple employer trusts which qualify as health care service plans, require the Department of Insurance to notify the Commissioner of Corporations of that fact.

The bill would only be operative if both AB 160 and SB 952 of the 1983–84 Regular Session are enacted.

Ch. 1210 (SB 459) Petris. Employee housing

(1) The existing Employee Housing Act authorizes the enforcement agency, which may be the Department of Housing and Community Development or any city or county that has elected to assume responsibility for the enforcement of that act, to bring an injunctive action to enjoin housing conditions which constitute a nuisance

This bill would impose a state-mandated local program by requiring the enforcement agency to record a notice of the pendency of any such action or proceeding but would permit the enforcement agency to charge the property owner for any cost involved in recording the notice The bill would also provide that after such recordation any subse-

quent owner of the property would be subject to any order to correct a violation

(2) Under existing law, any person violating the provisions relating to employee housing is punishable by a fine or imprisonment, or both, under certain circumstances

This bill would increase the fines under certain circumstances The bill would also require fines collected in excess of $500 to be paid to the enforcement agency which has the major responsibility for investigating the violations.

(3) Under existing law, any person operating or maintaining a labor camp without first having obtained a permit to operate from the enforcement agency is required to pay double the fees prescribed for the permit to operate such camp.

This bill would provide that any person found for a second or subsequent time within a 5-year period to be operating or maintaining a labor camp without first having obtained a permit to operate from the enforcement agency shall pay 4 times the fees prescribed for the permit to operate such camp.

(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. 1211 (SB 483) Royce Taxation

(1) Existing law provides for the imposition of personal income taxes and bank and corporation franchise and income taxes upon designated taxpayers As a part of their liability for those taxes, taxpayers, in certain cases, are required to make periodic payments of estimated taxes owed.

Existing law also authorizes the issuance of registered warrants by the state as a mode of payment whenever warrants drawn upon the Treasurer and payable out of the General Fund are in an amount in excess of the balance remaining in the unapplied money in that fund. Existing law also prescribes the rate of and the period for which interest is payable on registered warrants.

This bill would permit a taxpayer who is a payee of a registered warrant from the state to pay any tax liability, including any liability for periodic payments of estimated taxes, in connection with the aforementioned taxes by check in an amount not to exceed the amount of the registered warrant. This bill would prohibit the state from presenting that check for payment or the payment of that check by the bank upon which it is drawn until the registered warrant payable to the taxpayer is payable upon its presentation to the Treasurer. The foregoing provisions of the bill would be applicable only if the taxpayer's check in payment of a tax liability is accompanied by a copy of the registered warrant disclosing the payee's name, the amount to be paid, the number of the warrant, and the completed and signed legend, as specified below

This bill would also revise provisions prescribing the rate of interest to be paid on registered warrants, would prescribe the person to whom that interest is to be paid, and would provide for the crediting of interest to a taxpayer who has paid a tax liability, in whole or in part, with a registered warrant which is redeemable at the time the liability is paid.

This bill would preclude the accrual of interest on a registered warrant after the date the taxpayer has submitted a check for the payment of tax liability in accordance with the bill's provisions and would require the taxpayer to declare his or her ineligibility for interest after that date whenever the registered warrant is presented by the taxpayer to a bank or other institution for payment

This bill would require registered warrants to bear a legend in connection with the taxpayer's required declaration regarding his or her ineligibility for interest on the warrant

(2) Existing law requires the board of supervisors to make due allowances for delinquency and certain disputed tax revenues when fixing the rates of taxes on the secured roll

This bill would require the board to make due allowance also for anticipated changes to the roll

(3) Existing law permits any property taxes paid before or after delinquency to be

refunded by the county auditor within 4 years, and by the county tax collector within 90 days, under specified conditions.

This bill would permit these refunds to be made by either the county auditor or the county tax collector within 4 years under the same specified conditions, and would permit a refund where the amount paid exceeds the amount due as the result of a reduction attributable to a hearing before an assessment appeals board or an assessment hearing officer.

Ch. 1212 (SB 616) Nielsen. State administrative regulations: economic impact considerations.

Existing statutes prescribing the procedure for the adoption by state agencies of administrative regulations require a notice of proposed amendment or repeal of a regulation to include material concerning specified matters, require review of, and authorize invalidation of, regulations by the Office of Administrative Law utilizing specified standards; and, authorize the superior court, in actions by any interested person for declaratory relief, to declare regulations invalid for specified reasons, including substantial failure to comply with such statutes.

This bill would require an economic impact statement, as specified, if any action is proposed to adopt or amend a specified type of regulation, including those regulations which would have a significant impact on business, except any emergency regulation, as specified, and intergovernmental regulations not affecting any business or corporation or any state retirement system regulation. It would require notice thereof to be published in the Administrative Code Notice Supplement, as specified, and it would specify the information to be included in an economic impact statement. These provisions would become operative on July 1, 1984, and would be repealed on December 31, 1985.

This bill would create an interagency council, which, among other things, would develop the required methodology to be used in making the above economic impact statements and would provide that the council shall be composed of representatives from the Department of Finance, the Department of Economic and Business Development, and such other members as the Governor may appoint.

This bill would require the interagency council and the Department of Economic and Business Development to evaluate and make recommendations concerning the above requirements, with comments by the Legislative Analyst, by December 31, 1985. It would make the department primarily responsible for the submission of the report These provisions would be repealed on December 31, 1985

This bill would appropriate $18,000 to the Department of Economic and Business Development for specified purposes concerning this bill

Ch. 1213 (SB 638) Deddeh. Teachers' Retirement Fund.

Existing State Teachers' Retirement Law: provides for retirement benefits to be annually increased by a 2% improvement factor; creates a continuously appropriated Retirees' Purchasing Power Protection Account in which certain annual Budget Act appropriations from the General Fund are to be placed and from which nonvested, noncumulative quarterly payments, commencing on September 1, are to be annually distributed to retirants, disabilitants, and beneficiaries to increase the purchasing power of their benefits, as specified.

Under existing law, the State Lands Commission manages and controls various lands known as school lands and lieu lands received by the state from the United States for the support of schools. Existing law requires that all net revenues, moneys, and remittances from the sale or use of those lands be deposited in the General Fund

This bill would, instead, require that all net revenues, moneys, and remittances from those lands be deposited in the Teachers' Retirement Fund for making quarterly supplemental payments hereinafter provided for. The State Lands Commission would be required to report quarterly to the State Teachers' Retirement System and annually to the Legislature and the Governor with respect to its management of school lands and lieu lands.

This bill would, continuously appropriate those revenues from school lands and lieu lands for the purposes of these provisions, authorize deductions therefrom of necessary related administrative expenses, require allocation of the net revenues on a pro rata basis

among those retirants, disabilitants, and beneficiaries whose allowances, after the sequential application of certain adjustments, are below 75% of original purchasing power, as specified, provide for nonvested, noncumulative, quarterly supplemental payments commencing on September 1 of each year to such retirants, disabilitants, and beneficiaries to increase the purchasing power of their allowances, as specified, and required that any resulting excess in any year be used to reduce the unfunded actuarial obligation of the fund.

Ch. 1214 (SB 990) Garamendi. School transportation.

(1) 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 Belleview Elementary School District for the 1981–82 school year shall be deemed to be $20,108, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis

This bill would specify that for purposes of meeting the requirements of specified provisions of existing law, the Belleview Elementary School District shall qualify for home-to-school transportation in the amount of $16,099.

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 Snowline Joint Unified School District for the 1981–82 school year shall be deemed to be $194,350, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis

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 Center Unified School District for the 1981–82 school year shall be deemed to be $149,850, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis

This bill would specify that for purposes of meeting the requirements of specified provisions of existing law, the approved home-to-school transportation aid received by, the Bellflower Unified School District shall be deemed to be $108,231, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis.

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 Snelling-Merced Falls Union Elementary School District shall be deemed to be $10,669, and that apportionments to that school district for the 1982–83 fiscal year and each fiscal year thereafter shall be computed on that basis

This bill would specify that for purposes of meeting the requirements of specified provisions of existing law, the approved home-to-school transportation aid to be received by the Los Alamitos Unified School District for expenditures in the 1982–83 school year shall be $303,525, and that apportionments to that school district for the 1983–84 fiscal year and each fiscal year thereafter shall be computed on that basis.

This bill would specify that for purposes of meeting the requirements of specified provisions of existing law, the approved home-to-school transportation aid to be received by the Gorman Elementary School District for expenditures in the 1983–84 school year shall be $22,273, and that apportionments to that school district for the 1983–84 fiscal year and each fiscal year thereafter shall be computed on that basis

(2) This bill would state the legislative intent to make changes in state apportionments to school districts in the 1982–83 fiscal year and would require the Superintendent of Public Instruction to adjust allowances and disbursements for that fiscal year

(3) This bill would state the legislative intent that each school district affected by the provisions of this bill shall receive apportionments of state funds based upon their approved home-to-school transportation costs in an amount which reflects an equitable sharing of those expenses among state and local resources

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

Ch. 1215 (SB 1115) McCorquodale. Mentally retarded defendants diversion

Existing law provides procedures for the diversion of certain mentally retarded defendants for treatment and rehabilitation, as specified. These procedures will be repealed on January 1, 1984

This bill would delete the provision providing for the repeal of these provisions, thus creating a state-mandated local program.

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

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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. 1216 (SB 1141) Speraw. Mobilehomes.

(1) Under existing law, manufactured home, mobilehome, and commercial coach are defined terms for purposes of the laws regulating their registration, construction, installation, use, and taxation.

This bill would include manufactured homes and commercial coaches within various provisions relating to the above subjects which presently only apply to mobilehomes. By making additional housing subject to fees which are placed in a continuously appropriated account, this bill would constitute an appropriation. By including manufactured homes and commercial coaches within provisions relating to mobilehomes, the bill also creates new misdemeanors relating to manufactured homes and commercial coaches, which is a state-mandated local program

(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. 1217 (AB 629) McAlister. Real property

Existing law, operative July 1, 1983, requires designated written disclosures to be made regarding a transaction for the purchase of a dwelling for not more than 4 families, if the transaction involves an extension of credit by the vendor and there is an arranger of credit, as defined. An arranger of credit is defined to include a party to a transaction who is a real estate licensee or an attorney licensed in California.

This bill would exclude an attorney from the definition of an arranger of credit if any party to the transaction is represented by an agent who is a real estate licensee. This bill also would specify that attorneys and real estate licensees who act in the capacity as an escrow holder shall nevertheless be deemed arrangers of credit where such persons act on behalf of a party or an agent of the party in the development or negotiation of credit terms.

Under existing law, where the principal sum of an obligation secured by a deed of trust or mortgage on real property has become due or declared due by reason of default in payments or for certain other reasons, the default may be cured by the payment within certain time limits of the amounts due, other than such portion of the principal as would not be due had no default occurred, plus costs and expenses actually incurred in enforcing the obligation, and trustee's or attorney's fees actually incurred not exceeding $150 in the case of a mortgage or a deed of trust or ½ of 1% of the entire unpaid principal

sum, which ever is greater

This bill would provide that such costs and actual expenses shall be limited to reasonable costs and expenses incurred for recording, mailing, publishing, and posting certain notices, and for a trustee's sale guarantee

This bill would revise the limitations on the maximum amount of trustee's or attorney's fees which may be charged in connection with such a default or foreclosure proceeding, or until the notice of sale is mailed to the trustor, to an amount not to exceed $150 as to any portion of the unpaid principal sum secured which is $50,000 or less, plus ¼ of 1% on the next $100,000, plus ¼ of 1% on the next $350,000, and plus ⅛ of 1% on any additional balance of the unpaid principal sum exceeding $500,000. Beginning with the date the notice of sale is mailed and until the secured property is sold, a beneficiary, trustee, or mortgagee would be authorized to demand and receive, in lieu of the above trustee's or attorney's fees, trustee's or attorney's fees not in excess of $300 as to any portion of the unpaid principal sum secured which is $50,000 or less, plus 1% on the next $100,000, plus ½ of 1% on the next $350,000, plus ¼ of 1% on any additional balance of the unpaid principal sum exceeding $500,000 Upon the sale of the property, a beneficiary, trustee, or mortgagee would be authorized to demand and receive, in lieu of the above trustee's or attorney's fees, trustee's or attorney's fees not in excess of $300 or one and one-third percent of the unpaid principal sum secured, whichever is greater

This bill would prohibit any person from paying or offering to pay or collect any rebate or kickback for a referral of business regarding nonjudicial foreclosure

The bill would state legislative intent, as specified

Ch 1218 (AB 712) Rogers. Parks and recreation. state park system oil and gas extraction. Kings River Regional Park land sale.

(1) Existing law prohibits the commercial exploitation of resources in units of the state park system Existing law additionally authorizes the State Lands Commission to lease lands owned by the state and dedicated to public use, other than tide and submerged lands, for the production of oil and gas, as specified.

This bill would authorize the commission to grant a subsurface oil and gas lease covering the Tule Elk State Reserve in Kern County, a unit of the state park system, and would permit the production of oil and gas underlying the reserve by means of slant or directional drilling from surface locations outside the reserve. The bill would require the commission to consult with the Department of Parks and Recreation prior to approving a lease to ensure that the purposes for which the parklands were acquired are not adversely affected

(2) Under the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964, a local assistance grant was made to the County of Tulare for the acquisition of the Kings River Regional Park

This bill would authorize the county to sell 85 acres of the 95-acre park if the county (a) sells the property for at least fair market value, (b) transmits the amount of the original grant, plus interest as specified, to the department for deposit in the bond fund, (c) uses the remaining proceeds for replacement outdoor park and recreation facilities, thereby making an appropriation, and returns any proceeds not so used to the Department of Parks and Recreation for deposit in the bond fund, (d) holds public hearings on the subject of the replacement facilities, and (e) enters into a state grant agreement with the department with respect to the replacement facilities.

Ch. 1219 (AB 718) Robinson. Unemployment insurance Benefit Audit Fund

Existing law provides that any person who is overpaid any amount as unemployment compensation benefits is liable for the amounts overpaid unless specified findings are made The Director of Employment Development is required to determine the amount of the overpayment and notify the liable person

This bill would provide that if the director finds that an individual has been overpaid unemployment compensation benefits because of willful false statements or representations or withholding of material facts, the director shall assess against the individual an amount equal to 30% of the overpayment amount The amount of the assessment would be deposited in the Employment Development Department Benefit Audit Fund, which would be created as a special fund in the State Treasury by the bill

This bill would also provide for annual appropriation in the Budget Act by the Legisla-

ture, for allocation by the department, of all amounts in the Benefit Audit Fund for refund of any amounts collected and erroneously deposited, and for the financing of administrative costs associated with the discovery and collection of unemployment compensation benefit overpayments.

The bill would appropriate the net amount of overpayment assessments collected, as specified, through June 30 1984, from the Benefit Audit Fund to the Employment Development Department for certain purposes in the 1983–84 fiscal year.

The fund would be repealed on December 31, 1986, and all moneys remaining on that date would revert to the Employment Development Department Contingent Fund.

Ch 1220 (AB 960) Davis Employee personnel files: public employees.

Existing law requires employers, upon the request of an employee, to permit that employee reasonable inspection of personnel files which are used or have been used to determine that employee's qualifications for employment, promotion, additional compensation, termination, or disciplinary action, and requires the employer to keep a copy of each employee's personnel file at the place the employee reports to work, or to make it available at that place within a reasonable period of time after the employee requests to inspect the records

This bill would provide that the above provisions also apply to local public agency employers, with specified exceptions, would permit local public employees to inspect the original personnel files at the location where they are stored at no loss of compensation, and would give jurisdiction of personnel file disputes involving public employees of a local public agency which has established an independent employee relations board or commission to that board or commission. An employee would be permitted to pursue any available judicial remedy without first seeking relief from a board or commission

This bill would impose a state-mandated local program by requiring local public agencies to make copies of each employee's personnel file available at the place the employee reports to work, and to permit employees reasonable inspection of their personnel files, and by giving jurisdiction in certain disputes to local boards and commissions.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 1221 (AB 1117) Wyman Courts. San Bernardino and Orange Counties

(1) Existing law authorizes an increase in the number of judges in the Central Division of the San Bernardino County Municipal Court District from 4 to 6, and an increase in the number of judges in the West Valley Division of the San Bernardino County Municipal Court District from 5 to 6, as specified

This bill would enact such increases

(2) Existing law prescribes the number of municipal court employees in the San Bernardino County Municipal Court District.

This bill would revise the number of municipal court employees in the San Bernardino County Municipal Court District

(3) Existing law specifies the fees payable to the municipal court in San Bernardino County

This bill would impose court reporters' fees, as specified

(4) Existing law prescribes the number and classification of municipal court employees in Orange County

This bill would revise the number and classification of municipal court employees in

Orange County and would revise the provisions relating to comparable benefits of municipal court employees and county employees, 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.

Ch 1222 (AB 1171) Elder. Hazardous liquid pipeline safety

(1) Under existing law, the California Pipeline Safety Act of 1981, the State Fire Marshal is required to adopt by January 1, 1983, hazardous liquid pipeline safety regulations for intrastate hazardous liquid pipeline to implement the federal Hazardous Liquid Pipeline Safety Act of 1979. The State Fire Marshal is authorized, by regulation, to exempt the application of these regulations.

This bill would delete the January 1, 1983, deadline and the requirement that the State Fire Marshal grant an exemption by regulation

The bill would redefine the term "pipeline" and define other terms.

(2) Existing law directs the State Fire Marshal to establish a 7-member Hazardous Pipeline Safety Technical Standards Committee, including 3 members representing local fire departments, to inform the local agency and pipeline operators of changes in applicable laws and regulations

This bill would increase the membership of the committee to 8 and would require that 3 of the members represent local agencies, as defined and that one member be a fire chief. The bill would also expand the purposes of this committee to review regulations, would require the committee to meet at the request of the State Fire Marshal, but not less than once a year, and would require that the members be paid expenses and $100 per diem for each meeting

(3) Existing law requires the installation and maintenance of a means of leak detection and cathodic protection on replaced portions of existing pipelines which normally operate under conditions of constant flow and pressure and the annual testing of all pipelines other than those with an automatic pressure relief device

This bill would, instead, require that all new pipelines constructed after January 1, 1984, include a method of leak detection, except for valve replacement and relocating or replacing portions of pipelines.

The bill would also require the operator of a pipeline to conform the pipeline with specified federal regulations, in accordance with a specified schedule.

The bill would also require that certain tests be conducted in accordance with specified federal regulations on specified pipelines, and would require that pipelines not meeting the federal test requirement and pipelines over 10 years of age which have not been hydrostatically tested at least once since January 1, 1982, be brought into compliance by January 1, 1985

The bill would require a pipeline operator to notify the State Fire Marshal and the local agency having jurisdiction 3 days prior to conducting this testing and would authorize the State Fire Marshal, the agents of the State Fire Marshal, and the local agency to observe these tests

The bill would require the State Fire Marshal to approve the independent testing firm or person who conducts the testing, the results of which are to be submitted to the local agency having jurisdiction and to the State Fire Marshal The State Fire Marshal, the agents of the marshal, and local agencies would be prohibited from supervising, controlling, or directing the testing

(4) Existing law requires a local agency to require pipeline operators to provide fire departments with relevant information concerning the as-built location of each pipeline and its pipeline operations, including the construction and repair record plan of every pipeline.

This bill would instead require the pipeline operators to provide this information to the fire departments

(5) Existing law requires each pipeline operator to provide the fire department having jurisdiction with a pipeline operations contingency plan, which covers specified information

This bill would delete the information requirement concerning the construction and repair plan The bill would instead require a pipeline operator to provide any other information which the State Fire Marshal may require and would also specify additional information which the plan would be required to include

The bill would also require a pipeline operator to make certain records, maps, and information available to the State Fire Marshal or the officers, employees, or agents of the State Fire Marshal. The bill would authorize the State Fire Marshal, or authorized persons, to enter, inspect, and examine the records and properties of a pipeline operator for determining compliance with the act

(6) Existing law requires that the State Fire Marshal be informed of every break, fire, or explosion of a pipeline subject to the act

This bill would require that, the fire department and the local agency having jurisdiction be notified of a break, fire or explosion in a pipeline, including a pipeline otherwise exempt from the provisions of this act and including a pipeline undergoing testing The bill would require the local agency or fire department having jurisdiction to notify the State Fire Marshal of the break, fire, or explosion in the pipeline

(7) This bill would permit the State Fire Marshal to authorize local agencies to enforce the provisions of the act after making a determination that the local agency would be able to satisfactorily enforce the act

(8) The bill would require the State Fire Marshal to adopt regulations for conducting civil penalty enforcement proceedings, which would include specified provisions and be consistent with specified federal regulations The bill would subject any person, who the State Fire Marshal determines has violated those provisions and regulations concerning hazardous liquid pipelines, to a civil penalty of not more than $1,000 for each day the violation persists, but not more than $200,000 for any related series of violations, and would specify the factors which the State Fire Marshal is required to consider in determining the amount of the penalty The bill would permit the Attorney General to recover this penalty and would authorize the State Fire Marshal to accept an offer to compromise the amount, pursuant to these regulations. The bill would require the State Fire Marshal to deposit these penalties in the Local Training Account in the California Hazardous Liquid Pipeline Safety Fund, which the bill would create, and would provide that the money in the account is available, upon appropriation by the Legislature, to the State Fire Marshal for the purpose of providing hazardous liquid fire suppression training to fire departments.

(9) The bill would subject any person who willfully and knowingly violates those provisions and regulations concerning hazardous liquid pipelines to a fine of not more than $25,000, imprisonment for up to 5 years, or both

(10) The bill would authorize the State Fire Marshal to issue an order directing compliance with the act or the regulations adopted pursuant thereto

(11) Existing law authorizes local agencies to levy and collect fees from pipeline operators sufficient to meet their costs and expenses under the act, with provision for certain amounts of these fees to be transmitted to the State Fire Marshal, as determined necessary to meet administrative costs

This bill would instead authorize the State Fire Marshal to collect these fees, for the following year's activities, which are not to exceed the expenses incurred or the estimated expenses which will be incurred by the State Fire Marshal or an authorized local agency in carrying out the act The State Fire Marshal would be authorized to impose a 10% delinquency fee if a pipeline operator does not pay the fee within 60 days after receiving the bill for the fee The bill would provide for the payment of interest on that portion of annual fees not paid as prescribed The fees for local agencies would be deposited in the Local Agency Reimbursement Account in the fund, the fees for the expenses of the State Fire Marshal would be deposited in the Operations Account in the fund, and the moneys in the fund would be available, upon appropriation by the Legislature, to the State Fire Marshal for reimbursing local agencies and to the State Fire Marshal for carrying out this act

(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

This bill would impose a state-mandated local program by requiring fire departments to provide to every pipeline operator the department's plans and procedures for pipeline emergencies and by creating new crimes.

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

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

Ch 1223 (AB 1184) Stirling. Corporations

Under the General Corporation Law, each incorporator and each director named in the articles of incorporation of a corporation is required to sign and acknowledge the articles.

This bill would specify that if the initial directors are named in the article, each of those persons shall sign and acknowledge the articles. The bill would further provide that, where the initial directors are not named in the articles, the articles shall be signed by the incorporators of the corporation, as specified

Existing law provides, with specified exception, that a corporation may provide in its articles of incorporation for one or more classes or series of shares which are redeemable, at the option of the corporation only, at such time and prices, and on such terms and conditions as are specified in the articles. Existing law specifically prohibits a corporation from issuing shares which would be redeemable at the option of the holder, except for certain open end investment companies

This bill would provide instead that a corporation may provide in its articles of incorporation for classes or series of preferred shares which are redeemable at the option of the corporation, the holder of the shares, or upon the vote of at least a majority of the outstanding shares of the class or series to be redeemed

The bill would require the articles of incorporation to prescribe one of 4 specified methods of selecting the shares to be redeemed where the articles authorize partial redemption of a class or series of shares.

Existing law provides that the articles of incorporation of a corporation may set forth a provision requiring the approval of the shareholders, as defined, or the approval of the outstanding shares, as defined, for any corporate action even though it is not required by the General Corporation Law Such approval is defined, in part, as approval by the affirmative vote of a majority of the outstanding shares of each class or series entitled to vote, or approval by the affirmative vote of a majority of the shares represented and voting at a meeting with the required forum, respectively

This bill would provide that, with specified exceptions, the rights, preferences, privileges and restrictions granted to or imposed upon a class or series of preferred shares may include a provision requiring a vote of less than a majority of the class or series to approve any corporate action for which approval of the shareholders or approval of the outstanding shares is specifically required by the General Corporation Law or the articles of incorporation of the corporation

Existing law provides that when provided in the articles of incorporation, a corporation may issue shares convertible into any class or series, at the option of the holder only or automatically upon the happening of one or more specified events

This bill would provide that, in addition, the articles may provide for the issuance of shares which are automatically convertible upon the vote of at least a majority of the outstanding shares of the class or series to be converted.

Existing law provides for the repeal of the Uniform Limited Partnership Act and the addition of a new comprehensive revision of the law relating to limited partnerships, to be operative January 1, 1984, except as otherwise specified (Ch 807, Stats 1981, Ch. 997, Stats 1982)

This bill, in effect, would do the following:

(a) Continue in effect the existing Uniform Limited Partnership Act for the limited purpose of governing any limited partnership which was formed under existing law and which elects not to be governed by the new law contained in this bill.

(b) Renumber the provisions of the above-referenced laws scheduled to become operative January 1, 1984, or later, as specified.

(c) Change the operative date of the revised provisions from January 1, 1984 to July 1, 1984

(d) Make changes in the revised law scheduled to become operative Janaury 1, 1984, regarding the right of limited partners to vote in elections to continue the business of the limited partnership and the liability of a limited partner to third parties where a limited partner votes on an election to continue the business of the limited partnership.

(e) Expressly state the rules regarding the liabilities of a general partner to persons other than the partnership and the other partners, to the partnership, and to the other partners.

(f) Revise the exceptions to the rule that, if a general partner ceases to be a general partner because of withdrawal, removal, bankruptcy, or other specified events, the limited partnership is dissolved and its affairs must be wound up.

The bill also contains a statement of legislative intent.

The bill would make other conforming changes.

Ch 1224 (AB 1200) Connelly Public finance

Existing law provides for the establishment of an overage fund in county treasuries, authorizes county officers to deposit in that fund amounts paid to those officers which exceed, by $5 or less, the amount due the county for any account, and authorizes county officers to use that fund to increase the amount tendered to any county officer so as to equal the amount due the county, for any account when a difference in an amount of $5 or less exists.

This bill would increase the maximum amounts which county officers may either use or deposit in that fund from $5 to $10.

Existing law provides generally a procedure for the processing, approval, disapproval, and filing of parcel maps under the Subdivision Map Act.

This bill would revise various provisions of that act relating to the filing or approval of final subdivision maps to make them applicable to parcel maps as well.

This bill would also provide that whenever any part of a subdivision is subject to a lien for taxes which are not yet payable, or if the land being subdivided is a portion of a larger parcel on the last preceding tax roll as a unit, the amount of security for taxes or current taxes shall consider only amounts shown on the regular assessment roll or any supplemental rolls, as specified.

Existing property tax law governs the application, imposition, and collection of, and the exemption from, property taxes imposed upon all categories of property.

This bill would do each of the following:

(1) Revise the time limit and procedure by which a county may exempt certain property from property taxes because of its minimal tax value.

(2) Revise the procedure for the enrollment of penalties associated with the failure to file change in ownership statements.

(3) Revise the contents of the county property tax bill and the statement, if any, accompanying the tax bill to conform with the provisions of Article XIII A of the Constitution and implementing legislation.

(4) Revise the requirement of and the procedure relating to the notification of an assessee with regard to an overpayment of property taxes.

(5) Revise the basis upon which receipts are issued by the tax collector for property taxes paid.

(6) Permit each county to recover full reimbursement for costs of sale when the high bidder at a tax-deeded sale paid in negotiable paper which was not paid on due presentation.

(7) Eliminate the 14-day period within which the county tax collector must execute a deed to the state for tax-sold property.

(8) Clarify that sales of tax-deeded property may be at sealed bid and, in connection with tax sales generally, permit the tax collector to receive a combination of cash and negotiable paper in payment of the amount bid at tax sales, instead of payment entirely in one or the other medium.

(9) Delete obsolete provisions dealing with applications by prospective purchasers for purchase of tax-deeded property.

(10) Revise the format for the deed issued to purchasers of tax-deeded property.

(11) Increase the redemption fee for tax-sold property from $5 to $15 on and after January 1, 1984, and revise the allocation of the fee between the state and the county on and after that date.

(12) Eliminate as a condition of conducting hearings before an assessment hearing officer, in those counties adopting procedures for a full hearing before the county board of equalization or appeals board, the requirement that the property under consideration is not in excess of a specified total assessed value or is residential property. Permit counties, by resolution, to require, in specified cases, the assent of the assessor to hearings before an assessment hearing officer

(13) Provide that the assessor, as well as the protesting party, is entitled to a full hearing before the county board of equalization or the assessment appeals board following the recommendation of the assessment hearing officer, and may request the county board or the assessment appeals board to accept or reject the recommendation of the assessment hearing officer or, if a request is not filed, file an application within a specified time following the hearing officer's report and recommendation for a hearing before the county board or assessment appeals board

(14) Delete provisions permitting the spreading of tax payments over a 3-year or 8-year period, respectively, in connection with escape assessments based upon newly discovered property that escaped assessment due to no fault of the assessee or upon errors which are not that of the assessee, and substitute therefor, the 4-year installment payment of taxes, at the option of the assessee, for escape assessments which are based on (a) errors which were not those of the assessee, or (b) the correction of assessor errors, if the additional tax exceeds a specified amount and the assessee makes a written request, as specified, for installment payment

(15) Delete as a basis for the cancellation of delinquent penalties, costs, redemption penalties, interest, or redemption fees by the auditor on the order of the board of supervisors, a showing that the correction of an assessor's error for any prior fiscal year exceeds a specified amount or a specified percentage of the tax for that year, whichever is greater, and that the error was made without fault on the part of the assessee and the increased tax was paid within one year of the correction's entry on the roll or abstract record

(16) Permit the extension of the time period within which an assessment, correction, or claim for refund may be made for that period or periods agreed to by the taxpayer and the assessor

This bill would make other technical and conforming 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.

This bill would impose a state-mandated program by establishing various new or revised duties for certain local officials in connection with the bill's provisions relating to changes in parcel map procedures, the filing of mining claim affidavits, the contents of property tax billing statements, tax sale and tax deed procedures, assessment hearings requirements, and the installment payment of taxes in connection with certain escape assessments

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

Ch. 1225 (AB 1388) Frazee. Solid waste. general 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 California Waste Management Board 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.

Under existing law, the board is prohibited 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

This bill would repeal the provisions requiring a finding of consistency of a county solid waste management plan with the applicable city or county general plans before the board can approve the solid waste management plan

The bill would specifically authorize a county solid waste management plan to reserve or to tentatively designate a site as a site, or a potential site, for a solid waste facility unless the city or county has determined that, for local planning purposes, the site is an incompatible land use pursuant to its local land use authority. A county would be authorized to reserve a site only if it is consistent with the applicable city or county general plan, as specified, while a tentative designation would not be required to be consistent with the applicable city or county general plan.

The bill would require a tentative site designation to be removed from the county solid waste management plan if a city or county fails to make a consistent designation in its general plan or makes a finding that the site should not be used for a solid waste facility or if the board refuses to concur in the issuance of a permit for a specified reason. The bill would require a county to remove such a designation and would also require a local agency having jurisdiction over the site to request the county to remove the site designation, thereby imposing a state-mandated local program.

(2) Existing law 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

Existing law also prohibits 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.

This bill would authorize the board to concur in the issuance of, and authorize an enforcement agency to concur in the issuance, modification, or revision of, a permit for the expansion of a solid waste facility site without making the consistency finding, if the expansion meets certain criteria The bill would state that, notwithstanding any other provision of law, the expansion of a solid waste facility is subject to the planning and zoning authority of the city or county

The bill would prohibit the board from concurring in the issuance of a permit for the establishment or expansion of a solid waste facility site without making a consistency finding, or if the city or county has failed to make such a finding, and would specify that the requirement for this finding be made in the case of a new or expanded facility. The bill would define "new facility" as one which never had, or does not currently have, a solid waste facilities permit

(3) Existing law prohibits an enforcement agency from issuing, modifying, or revising a solid waste facilities permit if the board has concurred in the permit, unless the enforcement agency makes findings, based upon substantial evidence, that the permit is consistent with the county solid waste management plan, solid waste standards, and the applicable city or county general plan Existing law specifies that the permit is to contain the terms and conditions for the operation of the facility.

The bill would instead require the enforcement agency to certify that the permit is consistent with these plans and standards prior to forwarding the copy of the proposed solid waste facilities permit to the board.

(4) This bill would also make technical nonsubstantive changes.

(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) Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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) The bill would take effect immediately as an urgency statute.

Ch. 1226 (AB 1654) Farr. Employment Development Department

Existing law provides for a state Employment Development Department with specified duties including job creation activities, administration of employment-related benefits and unemployment and disability insurance coverage

This bill would require the Director of Employment Development to prepare an annual report, to be transmitted to the Governor, Legislative Analyst, and specified committees of the Senate and Assembly, on the comprehensive automation of the department in accordance with specified guidelines, which would, among other things, identify operations which would benefit from initial or further automation, establish a 3-year plan for the automation of these operations, and explain the method by which the proposal will be evaluated for costs and benefits. The director would be required to submit the report to the State Office of Information Technology, 20 days prior to the release of the report, for review and comments on specified factors for inclusion in the report.

This bill would require the Employment Development Department to place a high priority on the automation of the Benefit Payment Control Program

Existing law permits the Director of Employment Development to offset the amount of overpayment of unemployment compensation benefits against any amount of benefits to which a person may become entitled for specified periods, up to a maximum of benefit years beginning during the 3-year period after notice of the overpayment determination.

This bill would instead permit the director to offset the amount of overpayment of unemployment compensation benefits against any amount of benefits to which the person may become entitled within 6 years after notice of the overpayment determination, and would require the Franchise Tax Board to aid the department in the recovery of overpayments of unemployment compensation benefits.

This bill would require the Auditor General to audit the Employment Development Department 2 years after the effective date of this bill to determine if the intent and mandates of this bill have been carried out, and would appropriate an amount sufficient to conduct this audit from the Unemployment Administration Fund to the Auditor General.

This bill would take effect immediately as an urgency statute

Ch. 1227 (AB 1737) Goggin. Fiscal affairs

(1) Present law authorizes redevelopment plans adopted under the Community Redevelopment Law to provide for allocation to the redevelopment agency of a prescribed portion of the tax revenues derived from property in the redevelopment project area in order to finance redevelopment Such allocation scheme is commonly known as the "tax-increment" method of financing redevelopment Present law authorizes merger of contiguous and noncontiguous redevelopment project areas under the jurisdiction of the redevelopment agency of the City of San Bernardino

This bill would similarly authorize merger of additional redevelopment project areas under the jurisdiction of the redevelopment agency of the City of San Bernardino

(2) Existing law requires that 40% of the taxes allocated to the San Bernardino Redevelopment Agency for certain merged redevelopment projects be used, after refunding which satisfies any bond resolution or agreement pledging these taxes, for purposes of increasing and improving the community's supply of housing for persons and families of low or moderate income, as defined, and very low income households, as defined

This bill would change the percentage to 20%

(3) Chapter 995 of the Statutes of 1982 granted 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. It required, 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

This bill would authorize trust revenues to be combined with nontrust revenues for carrying out a plan to benefit trust lands and other lands as long as it can be demonstrated that an amount equal to, or greater than, the trust revenues is, or has been, expended on the granted lands.

The bill would specify that funds used to retire obligations for the improvement or operation of the granted lands other than bond issues or funds used in furtherance of trust activities on the granted lands would not be excess revenues under Chapter 995.

The bill, on the basis of City of Berkeley v. Superior Court, 26 Cal 3d 515, and specified factual findings would revoke the grant of 2 parcels previously granted to the City of Brisbane by Chapter 995.

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

Ch 1228 (AB 2025) Peace Multilevel facilities

(1) Under existing law, a residential facility for the elderly which is operated as a part of, or in conjunction with, an intermediate care facility, a skilled nursing facility, or a general acute care hospital is not eligible to obtain loans or loan insurance under the California Health Facilities Authority Act or the California Health Facility Construction Loan Insurance Law

This bill would make those facilities, defined as multilevel facilities, eligible to obtain loans and loan insurance under those provisions, under specified circumstances.

(2) This bill would incorporate the changes in Section 15432 of the Government Code, proposed by AB 1181 and SB 464 to become operative only if AB 1181 or SB 464, or both, are enacted and this bill is enacted last

(3) This bill would incorporate the changes in Section 436 2 of the Health and Safety Code, proposed by SB 464 to become operative only if SB 464 is enacted and this bill is enacted last.

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

Ch 1229 (SB 48) Vuich. Gas and electrical corporations. extensions of service

(1) Under existing law, the regulation of gas and electrical corporations, including the terms and conditions for the extension of utility service to new customers, is accomplished by the Public Utilities Commission.

This bill would direct the commission to continue its rules regarding extensions of service in effect on January , 1982, except for customer-installed extensions, as stated.

The bill would require the commission, in conducting any investigations into amending the terms and conditions for these service extensions, or in issuing an order or decision amending these terms or conditions, to make written findings on specified issues and to request the assistance of appropriate state agencies and departments The bill would make all new orders or decisions issued pursuant to such an investigation or proceeding effective on July 1 of the year which follows the year when the new order or decision is adopted by the commission and would require the commission, and any assisting state agencies or departments, to conduct the investigation or proceeding within their existing budgets The bill would require an electrical or gas corporation to allow a customer who applies for a service extension to install the extension in accordance with the regulations of the commission and any applicable specifications of that corporation The bill would require the commission to accomplish these matters within its existing budget.

(2) The bill would make legislative findings and declarations regarding the proposed rules, including a direction to the commission to study their impact and to place no proposed rule in effect during pendency of the commission's study.

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

Ch. 1230 (SB 54) Montoya Cable television regulation and franchises.

(1) Under existing law, public utilities operating under regulations of the Public Utilities Commission are exempt from the Contractors License Law with respect to construction, maintenance, and development work incidental to their own business. Under existing law, cable television corporations are subject to safety orders and regulations of the commission.

This bill would exempt from the Contractors License Law those activities of a cable television corporation which are subject to safety orders and regulations of the commis-

sion until January 1, 1985 The bill would define cable television corporation for the purposes of these provisions

(2) Existing law authorizes cities, counties, and a city and county, to grant franchises for a community antenna television system, and limits the franchise fee which may be charged to 5% of the franchisee's gross receipts from operations within the franchise area.

This bill would further limit the franchise fee for franchises becoming effective on or after January 1, 1984, by prohibiting any such fee from being paid or being made payable in advance for any period of operation which occurs more than 12 months following the date upon which payment is made, except in the case of a joint powers agency which issues and administers a system serving an area of more than 300,000 households, which would be permitted to require the payment of an advance franchise fee not exceeding the amount of $800,000. The bill would prohibit any payment of franchise fees, other than the initial payment, from being made in advance, and would require that an advance payment be credited against franchise fees which subsequently become payable

Ch. 1231 (SB 129) Boatwright. State procurement of materials, supplies, equipment, and services

(1) 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 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

These provisions would remain operative only until January 1, 1987, unless the Legislature, by a later enacted statute, chaptered before January 1, 1987, deletes or extends that date

This bill, in addition to the above existing law, would provide that, until July 1, 1984, substitution of securities provisions shall not be required in contracts in which there will be financing provided by the Farmers Home Administration of the United States Department of Agriculture, as specified

(2) Existing law contains various provisions relating to state procurement of materials, supplies, equipment, and services, including requirements in conjunction with approval of contracts by the Department of General Services, and mandatory competitive bidding procedures

This bill would clarify and reorganize these provisions, and would transfer them from the Government Code to the Public Contract Code It would additionally provide civil remedies and criminal penalties for violation of the provisions, would add conflict of interest provisions in addition to those included under existing law, and make various other changes

(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 impose a state-mandated local program by creating a new crime

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 1232 (SB 142) Ellis On-premises advertising

Existing provisions of the Outdoor Advertising Act 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 does not apply to certain designated on-premises displays and displays which are relocated by mutual agreement between the display owner and the local entity

This bill would, notwithstanding any provision of the act, enact provisions applicable

to on-premises advertising displays. The bill would prohibit, with exceptions, any city or county, from requiring the removal of on-premises advertising displays without payment of fair and just compensation, as defined, except that an ordinance or regulation introduced or adopted prior to March 12, 1983, providing for amortization of nonconforming signs would not be subject to the bill

Ch. 1233 (SB 163) Watson. Family day care homes.

(1) Under existing law, all family day care homes for children are required to be considered a residential use of property for the purposes of local zoning and no conditional use permit or special exception may be required for such residences.

The bill would classify family day care homes into two classes, large family day care homes and small family day care homes It would, in relation to a large family day care home, authorize a local government to classify those homes as a permitted use of residential property for zoning purposes, grant a permit to use residential property to such a home that complies with specified local ordinances and specified provisions of state law and any regulations adopted by the State Fire Marshal pursuant thereto, or require such a home to apply for a permit to use the residential property.

(2) Existing law requires family day care homes to furnish evidence that the home contains a fire extinguisher or smoke detector device, or both, which meet standards established by the State Fire Marshal Licensed community care facilities which provide nonmedical board, room and care for six or fewer ambulatory children are not subject to certain standards and requirements of the State Fire Marshal

This bill would specify that small family day care homes are not subject to such standards and requirements of the State Fire Marshal. The bill would require that large family day care homes be considered as single family residences for purposes of the State Uniform Building Standards Code and local building and fire codes, except with respect to certain additional fire and life safety standards of the State Fire Marshal

The bill would also provide that the use of a single-family dwelling for a small family day care home shall not constitute a change of occupancy for the purposes of the State Housing Law or for purposes of local building codes It would also provide that the use of a single-family dwelling for a large family day care home shall not constitute a change of occupancy for the purposes of the State Housing Law or for the purposes of local building or fire codes and that a large family day care home shall not be subject to the provisions of the California Environmental Quality Act

The bill would, in addition, provide for further enforcement procedures The bill would impose a state-mandated local program by making it a misdemeanor for any person to violate in a specified manner the family day care home licensing provisions

(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 1234 (SB 178) B. Greene Occupational information

Existing law requires the Director of Employment Development, the Superintendent of Public Instruction, the Chancellor of the California Community Colleges, the Director of the Department of Rehabilitation, the Council for Private Postsecondary Educational Institutions in the Department of Education, and the Chairperson of the California Employment and Training Advisory Council, to each designate a representative who cooperates jointly as the State Occupational Information Coordinating Committee to develop and implement the California Occupational Information System as the official state program for the production of occupational planning, administration, and guidance information for use by vocational educators, educational and training planners, students, and counselors

The bill would repeal the above-mentioned existing law and would create the State Occupational Information Coordinating Committee, as specified, to develop a plan for the design and implementation of a statewide comprehensive labor market and occupational supply and demand information system as specified in the federal Job Training

Partnership Act.

Existing law generally provides for employment and training planning.

This bill would provide instead that the State Job Training Coordinating Council shall develop these plans in coordination with the appropriate state agencies, and in accordance with federal law, regarding the employment and training and vocational education needs of employers and of unemployed and underemployed persons throughout the state. The bill would specifically include certain employment programs in the plan and the state council would be required to make recommendations to the Governor and the Legislature.

This bill revises and clarifies responsibilities among state and local agencies for carrying out state programs which implement the federal Job Training Partnership Act in this state.

Ch 1235 (SB 227) B. Greene. Aid to families with dependent children felonies

Existing law provides for the Aid to Families with Dependent Children program, under which needy families with dependent children are provided with cash assistance

Existing law further provides that under this program, a person who improperly obtains or retains aid payments shall be guilty of an offense, with the penalty varying with the amount of aid at issue

This bill would provide that any person who knowingly submits more than one application for aid with the intent to obtain multiple entitlements for aid during the same time period, or who succeeds in obtaining more than one aid payment by knowingly submitting one application, or any person who makes an application for aid by claiming a false identity or by making an application for a fictitious person, or who obtains aid through an application by claiming a false identity or for a fictitious person is guilty of a felony punishable by imprisonment for 16 months or for 2 or 3 years, or by imprisonment in the county jail.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department 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 impose a state-mandated local program by revising the definition and penalty for a specified welfare fraud offense to be enforced by local law enforcement agencies

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 298) Hart. 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, 1987, each taxpayer to deduct from the taxes imposed by the applicable law a credit equal to a specified percentage of the acquisition cost of a solar energy system, as defined

This bill would limit the credit to 15% for any owner-builder or owner-developer of new single-family dwellings who claims the credit for any system for which the federal credit is allowed, clarify provisions which specify energy conservation measures that are considered part of a solar energy system, extend from 36 to 60 months the period over which a depreciation deduction for the cost of a solar energy system may be allowed, and delete provisions which provide that the credit does not apply to trusts or estates and which entitle certain taxpayers to refunds when their solar energy credit exceeds their tax liability

The 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. 1237 (SB 358) Carpenter Health services

(1) Existing law provides that neither the proceedings of, nor the records of, organized committees of, among others, medical staffs or medical-dental staffs or veterinary staffs in hospitals, having responsibility for evaluation and improvement of the quality

of care rendered in the hospital is subject to discovery in litigation The law also provides that no person in attendance at a meeting of such a committee shall be required to testify as to what transpired at the meeting.

This bill would extend the same exemption from discovery or testimony to the proceedings and records of any committee established by a local governmental agency to monitor, evaluate, and report on the necessity, quality, and level of specialty health care services, as prescribed. The bill would further exempt the committee records and proceedings from the provisions of the California Public Records Act and the Ralph M. Brown Act

The Constitution requires that statutes which have the effect of excluding relevant evidence concerning criminal offenses in criminal and juvenile proceedings must be enacted by a ⅔ vote of the membership in each house of the Legislature

(2) Under existing law, provision is made for providing various types of health care to the public.

This bill would authorize a county, upon the recommendation of its local emergency medical service agency, to adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency personnel. These ordinances would be required to be consistent with specified provisions of law pertaining to advanced life support, and could not conflict with any state regulations or with any guidelines adopted by the Emergency Medical Service Authority The bill sets forth criteria with respect to the operation of the helicopter program of the Department of the California Highway Patrol in providing emergency medical services.

Ch 1238 (SB 369) Boatwright Courts. Contra Costa County

(1) Existing law specifies the salary levels of court reporters, and the number, compensation, and classification of municipal court personnel, in Contra Costa County

This bill would revise the salary levels of court reporters, and the number, compensation, and classification of municipal court personnel, in Contra Costa County, thereby imposing a state-mandated local program.

(2) Existing law provides for the appointment of Traffic Trial Commissioners in Contra Costa County.

This bill would change the title of that office to Court Commissioner and would make related changes

(3) Existing law provides that the appointment to the position of Executive Secretary in the marshal's office in Contra Costa County shall be made by the marshal

This bill would eliminate that provision.

(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 1239 (SB 409) B Greene Supervisorial employees.

Existing law provides that a full-time state officer or employee who is either not subject to the State Employer-Employee Relations Act, or is a supervisory employee, as defined, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service, shall receive monthly credit for vacation in accordance with a specified schedule

This bill would increase the monthly credit for vacation for these employees in accordance with a specified schedule, beginning with the month of July 1983

Existing law requires the Department of Personnel Administration to provide for training programs for civil service employees, but does not specifically require training programs for supervisorial employees

This bill would require the department to provide for supervisorial employee training programs It would require a minimum of 40 hours of structured training, which consists of specified subjects, and an additional 40 hours of on-the-job training The bill would require the completion of the on-the-job training within 6 months of appointment to a supervisorial position, and completion of the structured training within 12 months of the

appointment

This bill would apply only to supervisorial employees appointed on or after January 1, 1984

This bill would incorporate additional changes in Section 19848.1 of the Government Code, proposed by Senate Bill 183, to be operative only if Senate Bill 183 and this bill are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last These changes would become operative on the operative date of Senate Bill 183.

This bill would take effect immediately as an urgency statute

Ch 1240 (SB 413) Davis Development projects. approval or disapproval. time limits.

Existing law establishes a time limit of one year within which public agencies, as defined, must act upon an application for a development project, as defined

Under existing law, the prescribed maximum time for acting upon an application for a development project may be extended once for a period of not to exceed 90 days upon consent of the public agency and the applicant.

This bill would require approval or disapproval of a project within 90 days following certification of the environmental impact report if the time for completion of that report has been extended and would authorize the extension of that 90-day period for an additional period not to exceed 90 days upon consent of the public agency and the applicant.

Ch 1241 (SB 424) Johnson California Conservation Corps.

(1) Under existing law, the Director of the California Conservation Corps is required to report to the Legislature on or before August 1, 1984, on the significant activities of the California Conservation Corps in accomplishing the objectives of the program.

Under existing law, the corps program will terminate on January 1, 1986, unless a statute chaptered before that date deletes or extends that date.

This bill would delete the requirement of the report and would delete the termination date of the corps program.

(2) The bill would appropriate a total of $3,000,000 for the support of the corps for the 1983–84 fiscal year, $1,000,000 of which is for support of the Oat Mountain Center, as follows: $2,000,000 from the Energy Resources Programs Account in the General Fund, $500,000 from the California Environmental License Plate Fund, and $500,000 from the Resources Account in the Energy and Resources Fund

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

Ch. 1242 (SB 464) Watson Health facilities

(1) Under existing law, the California Health Facilities Authority Act establishes a 9-member California Health Facilities Authority, of which 4 members constitute a quorum The California Health Facilities Authority, among other things, is empowered to provide financial assistance through various means for health facility construction projects

This bill would increase the number of authority members needed to constitute a quorum to 5, and would authorize the authority to finance projects by hospitals owned or operated by cities or cities and counties. The bill would increase the permissible term of the authority's revenue bonds from 30 to 40 years Financing by the authority would not be subject to the California Environmental Quality Act under the bill, but the bill would provide that the financing of a project pursuant to the act would not otherwise exempt the project from any requirement of law which would otherwise be applicable to the project The bill would permit any city, city and county, county, or local hospital district to borrow money from the authority, as specified, for the purpose of securing the financing of projects through the issuance of revenue bonds through the authority. The bill would include the California Health Facilities Authority as a political subdivision eligible under the California Health Facility Construction Loan Insurance Law

(2) This bill would incorporate the changes in Section 15432 of the Government Code, proposed by AB 1181 and AB 2025 to become operative only if AB 1181 or AB 2025, or both, are enacted and this bill is enacted last.

(3) This bill would incorporate the changes in Section 436 2 of the Health and Safety

Code, proposed by AB 2025 to become operative only if AB 2025 is enacted and this bill is enacted last

Ch 1243 (SB 518) Montoya Postsecondary education. Council for Private Postsecondary Education

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 due a state agency from a person or entity is defined to include any amount due a community college district from a person for repayment of student financial assistance

This bill would define an amount due a state agency from a person or entity to also include any amount due an accredited postsecondary educational institution authorized by the Superintendent of Public Instruction to issue degrees from a person for repayment of federally subsidized student loans

This bill would limit offsets to personal income tax refund claims and would give the Controller the authority to determine, in his or her discretion, how the amount available would be applied when that amount is insufficient to offset all amounts due state agencies.

This bill would require the Controller to deduct and retain from any amount to offset pursuant to these provisions an amount sufficient to reimburse the Controller and the Franchise Tax Board for the administrative costs of processing the request for an offset.

Ch 1244 (SB 538) Robbins. Insurance

Under the existing insurance laws relating to actions on liability policies, the term "automobile" is defined to mean any self-propelled motor vehicle, with 4 wheels, designed for use principally upon streets and highways and subject to motor vehicle registration under the laws of this state

This bill would clarify this definition by specifying that the motor vehicle must have neither more than nor less than 4 wheels

Under certain provisions of the existing insurance laws relating to uninsured motorist coverage, the term "uninsured motor vehicle" does not include specified types of vehicles, including a motor vehicle owned by the named insured or any resident of the same household

This bill would clarify that the term "uninsured motor vehicle" does not include a motor vehicle operated by the named insured or any resident of the same household

It would also permit, as specified, an insurer any time prior to 30 days before certain arbitration proceedings commence to request from the insured certain wage loss information or medical treatment records The insurer would also be authorized to require the insured, except during periods of hospitalization, to make himself or herself available for medical examination, as specified

Existing law provides that an owner's policy of motor vehicle liability insurance shall insure the named insured and any other person using any owned motor vehicle with the express or implied permission of the insured against loss from liability for damages arising out of the ownership, maintenance, or use of the motor vehicle, up to specified monetary limits

This bill would clarify these provisions to refer to any person using any motor vehicle registered to the named insured, with the permission of the named insured.

The bill would make other clarifying or technical changes

The bill would incorporate additional amendments proposed by SB 570, to become operative if both bills are chaptered and this bill is chaptered last

Ch 1245 (SB 546) Montoya Weights and measures violations and fees

(1) Under existing law, it is a violation of [the]* law for any person to compute, at the time of sale of a commodity, any value which is not a true extension of the price per unit of the commodity, and the law provides for misdemeanor penalties [with a fine of $25 to $1,000,]* when the value quoted is greater than $1 over the true value, while providing for punishment as an infraction [, with a fine of up to $50 for the first offense and a fine of up to $100 for the second offense, as specified,]* if the quoted value is not more than $1 over the true value Existing law [also]* provides for ~~generally increased penalties in these instances~~ [the misdemeanor penalty]* when there have been 2 or more violations

within the 12-month period immediately preceding a third conviction where the prior convictions are alleged in the accusatory pleading or admitted by the defendant and the defendant's employer was notified by the court of the second conviction.

This bill would delete ~~all~~* those provisions relating to [imposing the misdemeanor penalty for]* multiple convictions ~~in these instances~~* and would increase [to $100]* the maximum fine ~~from $50 to $100~~* that could be imposed ~~even for a first offense in a 12/month period~~ [for an infraction under these provisions]*.

(2) Existing law authorizes, until January 1, 1986, a board of supervisors under a specified procedure to charge fees to recover the costs of testing weighing and measuring devices, such as small retail scales, taxi meters, and other devices of similar size or difficulty in testing, but specifically not gasoline pump meters.

This bill would make the testing of gasoline pump meters subject to those fee provisions and would require the Director of Food and Agriculture to include gasoline pump meters in the schedule of weighing and measuring devices, as specified.

(3) The bill would also make various technical and corrective changes.

Ch. 1246 (SB 595) Watson. Public health and safety: emergency medical services: handicapped access

(1) Present law requires the Department of General Services to review and approve the plans and specifications for buildings and structures to be constructed with state funds for compliance with provisions requiring accessibility to handicapped persons, and to review and approve plans and specifications for elementary, secondary, and community college buildings and facilities constructed with funds of counties, municipalities, or other political subdivisions.

This bill would permit state or school district buildings used by the public, the construction of which are under the jurisdiction of the Office of the State Architect in the Department of General Services, to be inspected for their accessibility to handicapped persons by persons who have physical disabilities or who represent the interests of physically disabled persons, who are familiar with access laws and standards, and who are chosen by the Department of Rehabilitation. These inspections would be done on a voluntary basis, to determine if minimum state standards for accessibility to handicapped persons are met If the volunteer inspector finds the building does not meet state standards or is inaccessible, the bill would require the volunteer to report this information to the Department of Rehabilitation, which would then report the information to the applicable school district if a school building is involved, to the owning agencies if a state building is involved, and to the Office of the State Architect. If the Office of the State Architect confirms that these standards are not met, it would then be required to develop a plan addressing the correction of the deficiencies to be filed with the jurisdiction owning the building.

This bill would only apply to state and school district buildings for which building plans have been filed with the Office of the State Architect, on or after January 1, 1985

(2) Under existing law, there is an Emergency Medical Service Authority. Existing law provides for the training and certification of prehospital emergency medical care personnel, and for the establishment of uniform guidelines for emergency medical services systems and disaster medical systems guidelines.

This bill would make various technical changes in existing law to update cross references and consolidate various provisions relating to emergency medical services The bill would clarify that the communication of patient information by radio at the scene of an emergency by emergency medical personnel is included in the exception of present law for the disclosure of medical information to other health care providers

The bill would change the name of the authority to the Emergency Medical Services Authority. The bill would permit the authority to accept certain grants and gifts, with the approval of the Department of Finance

The bill would add the Department of Forestry, the Chancellor's Office of the California Community Colleges, and the Department of General Services to the Interdepartmental Committee on Emergency Medical Services.

The bill would require local emergency medical services agencies to follow guidelines established by the authority, rather than specified provisions of the Administrative Procedure Act, in proceedings for probation, suspension, revocation, denial, or denial of a renewal of a certificate and would permit a medical director of the local EMS agency

to place a certificate holder on probation, or suspend or revoke any certificate issued under the emergency medical services program in accordance with guidelines established by the authority upon the finding by that medical director of an imminent threat to the public, as specified. The bill would give certain responsibilities regarding emergency medical services currently performed by the counties to local emergency medical services agencies, and certain responsibilities of county health officers or physicians to the medical directors of local emergency medical agencies.

The bill would, as of July 1, 1984, give the Emergency Medical Services Authority, rather than the State Department of Health Services, the responsibility of determining the standards for first aid examinations for schoolbus drivers, and would waive this examination if the applicant possesses and maintains a current license as a physician and surgeon, osteopath, or registered nurse, or a current certificate as a physician's assistant or emergency medical technician throughout the term of the driver's certificate and presents it upon demand of any traffic officer. The driver's certificate would not be valid during any time the driver fails to possess and maintain the license or certificate after the first aid examination is waived.

In any action for damages involving a claim of negligence against a physician and surgeon arising out of emergency medical services provided in a general acute care hospital, the bill would require the trier of fact to consider with other relevant matters the degree of care and skill ordinarily exercised by reputable physicians and surgeons in the same locality, in similar cases, under similar circumstances.

(3) Under existing law, it is a misdemeanor for any person to impede policemen, firemen, emergency personnel, or military personnel in performance of their duties in coping with a disaster, as specified. Existing law defines a disaster to include a fire, explosion, airplane crash, flooding, windstorm damage, railroad accident, or traffic accident

This bill would impose a state-mandated local program by, instead, making it a misdemeanor for any person to impede police officers, firefighters, emergency medical or other emergency personnel, or military personnel in performing their duties at the scene of an emergency. The bill would define an emergency to include a condition or situation involving injury to persons, damage to property, or peril to the safety of persons or property which results from those incidents listed above under existing law as a disaster, and from a nuclear power plant accident, a toxic chemical or biological spill, or any other natural or human-caused event

(4) Under current law, all policemen, sheriffs, deputy sheriffs, and members of the California State Police and Highway Patrol, who are not primarily assigned to clerical or administrative duties, are required to be trained to administer first aid, including cardiopulmonary resuscitation, and to satisfactorily complete a refresher course in these skills every 3 years.

This bill would, instead, require these persons, and police officers of a district authorized by statute to maintain a police department, to meet training standards prescribed by the Emergency Medical Services Authority for the administration of first aid and cardiopulmonary resuscitation, and would require periodic refresher training or appropriate testing in these skills as prescribed by the authority. The bill would make technical changes in this provision

(5) The bill would make various technical corrections to existing law

(6) The bill would state the intent of the Legislature that specified provisions of this bill are intended as a recompilation of existing law, and not intended to affect certain pending litigation.

(7) Existing law appropriates $50,000 from the California Environmental License Plate Fund to the Department of Parks and Recreation for expenditure during the 1982–83 fiscal year for the acquisition of easements and fee title in lands comprising the South Yuba Independence Trail.

This bill would reappropriate those moneys for the 1983–84 fiscal year.

(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. 1247 (SB 618) Beverly. Credit cards: creditworthiness of cardholder.

Existing law provides that, unless requested by a cardholder, no card issuer shall cancel a credit card without having first given the cardholder 30 days' written notice of its intention to do so, except under specified circumstances.

This bill would further provide that nothing provided in these provisions of law shall be construed to prohibit a card issuer from placing the account of a cardholder on inactive status if the cardholder has not used the card for a period in excess of 18 months or from requiring that cardholder, upon subsequent reuse of a card, to provide to the card issuer such updated information as will enable the card issuer to verify the current creditworthiness of the cardholder

Ch 1248 (SB 664) Nielsen. Air pollution: district rules and regulations: food processors.

(1) Existing law requires air pollution control districts and air quality management districts, subject to the powers and duties of the State Air Resources Board, to adopt and enforce rules and regulations which assure that reasonable provision is made to achieve and maintain ambient air quality standards and to enforce all applicable provisions of state law.

This bill would impose a state-mandated local program by requiring districts to amend their new source review regulations for food processors, as defined, to reflect the emissions cutoff level adopted by the state board for seasonal particulate sources within the Sacramento Valley Air Basin A district would be required to exempt a food processor from new source review regulations for facility modifications when there is a demonstrated shortage of gaseous fuel, or where there is an economic advantage to convert to the use of liquid or alternative fuels, except that the exemption would not apply if the increased emissions exceeded specified amounts.

The bill would prohibit any prevention of significant deterioration rule of a district for food processors from being more stringent than that required by the Environmental Protection Agency

The bill would require the rules and regulations of districts imposing prohibitions on particulate emissions for food processors to be consistent with the state board's adopted emissions level for seasonal particulate sources for districts in the Sacramento Valley Air Basin.

These provisions would not apply to the South Coast Air Quality Management District.

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 require any revision of the state implementation plan, as a result of any of these provision, to be submitted to the Environmental Protection Agency by July 1, 1984

These provisions would be inoperative if the Environmental Protection Agency disapproves the amended state implementation plan, or would be inoperative in any district if any sanction is imposed under the Clean Air Act in the district, as a result of any of these provisions

The bill would require the state board to submit notification to the Secretary of State if the provisions are inoperative in any manner and, if inoperative only in some districts, to these 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 certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 1249 (SB 676) Mello. Courts San Joaquin, Monterey, and San Diego Counties.

(1) Existing law provides for one judge and one court commissioner for the Lodi Municipal Court District.

This bill would increase the number of judges of the Lodi Municipal Court from 1 to

2, and repeal the authorization for a court commissioner for that district.

(2) Existing law provides for 7 judges of the Monterey County Municipal Court District.

This bill would increase the number of judges of the Monterey County Municipal Court District from 7 to 9, contingent upon consolidation of that district with specified justice court districts.

(3) Existing law specifies the number, compensation, and classification of municipal court personnel in Monterey and San Diego Counties.

This bill would revise the number, compensation, and classification of municipal court personnel in Monterey and San Diego Counties.

(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 1250 (SB 683) Seymour Planning: housing elements.

(1) Existing law requires the planning agency of a city, county, and city and county, at least 90 days prior to the adoption of the housing element of the general plan of the city, county, or city and county, or at least 45 days prior to the adoption of an amendment to this element, to submit a draft of the element or amendment to the Department of Housing and Community Development. Existing law requires the department to review drafts submitted to it and to report its findings to the planning agency within 90 days of the receipt of the draft in the case of the adoption of the housing element, or within 45 days of receipt of the draft in the case of an amendment. It further requires the legislative body of the city, county, or city and county to consider the department's findings prior to the adoption of the housing element or amendment.

This bill would require the city, county, or city and county to consider the department's findings prior to the adoption of the housing element or amendment unless those findings are not available within the prescribed time limits.

(2) Existing law prohibits, with specified exceptions, the amendment of a mandatory element of a city or county general plan more frequently than 3 times during a calendar year.

This bill would, instead, prohibit a mandatory element of a general plan from being amended more frequently than 4 times during a calendar year.

(3) Under existing law, the Mortgage Bond Allocation Committee is authorized to make specified supplementary allocations of mortgage bonds to local agencies.

This bill would permit additional allocations in specified circumstances, but would require the committee, in the order in which the applications were received, to make every effort to allocate such sums to local agencies for entitlement and supplementary allocations in prescribed proportions.

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

Ch 1251 (SB 754) Maddy Horseracing: breeder, owner, and stallion awards: racing days.

(1) Existing law requires any association conducting a thoroughbred racing meeting to deduct 0.34 of 1% of the total amount handled in parimutuel pools for distribution as breeder and stallion awards. Any association other than a fair conducting a quarter horse meeting, except a mixed breed meeting, is required to deduct an additional 0.2 of 1% of the total amount handled in parimutuel pools for distribution as breeder and stallion awards.

This bill would require any association conducting a mixed breed meeting or a fair meeting other than a harness horse meeting to deduct an additional 0.34 of 1% of the total amount handled in parmutuel pools for payment, as specified, of breeder awards, owners' premiums, and stallion awards.

(2) Under existing law, the maximum number of racing days which may be allocated by the California Horse Racing Board to a fair is 14 days per year except as otherwise provided. An additional 21 days is authorized for allocation to the 21st District Agricul-

tural Association, but the days are required to be raced prior to June 1st.

This bill would delete the provisions authorizing allocation of 21 days to the 21st District Agricultural Association and, instead, would authorize the board to allocate days for mixed breed meetings to the California Exposition and State Fair and to a district agricultural association in the northern zone, except that days could not be allocated between July 1 and October 31 and days could not be allocated for a mixed breed meeting during June at the California Exposition and State Fair if a standardbred meeting is being conducted at that facility during June.

Ch. 1252 (SB 808) Mello. Vehicles. financial responsibility.

(1) Existing law provides that, in general, no policy of bodily injury liability insurance covering a motor vehicle may be issued or delivered unless the insurer offers uninsured motorist coverage

The bill would require that any judgment or settlement obtained by an uninsured owner or operator of a motor vehicle be reduced by the amount paid or payable to an insured motorist, operator, or his or her occupants from the coverage provided by the uninsured motorist endorsement, but not to exceed the judgment or settlement, and that the payment of any settlement or judgement to an uninsured driver not be made until the claim for benefits of the insured motorist, operator, or his or her occupants are settled or determined, as specified

(2) Existing law does not require policies of motor vehicle liability insurance to contain coverage for property damage caused by the owner or operator of an uninsured motor vehicle.

This bill would require that coverage to be offered, as specified until January 1, 1989.

(3) Existing law requires the driver and owner of a motor vehicle who is involved in an accident which is required by law to be reported, and who fails to prove financial responsibility at the time of the accident, to file and maintain for 3 years proof of financial responsibility with the Department of Motor Vehicles, as specified. Driving of a vehicle, or permitting another to drive a vehicle for which proof of financial responsibility was so filed, during that period is an infraction if such financial responsibility is not maintained

This bill would repeal these provisions until January 1, 1989.

(4) Existing law, with respect to a driver involved in an accident which is required by law to be reported, provides for suspension of the driving privilege for failure to establish proof of financial responsibility The suspension cannot be terminated until 3 years from the date of the accident or until the person files and maintains proof of ability to respond in damages.

This bill would provide instead, until January 1, 1989, that the suspension shall not be terminated until one year has elapsed from the date of the accident and until the person files proof of financial responsibility, provided that the suspension shall be reinstated if the person fails to maintain such proof of financial responsibility for 3 years. The bill would also make related changes

Ch 1253 (SB 810) Keene Courts.

(1) Existing law provides for the repeal of the provisions establishing the judicial arbitration program on January 1, 1985, unless that date is extended or deleted by later legislation.

This bill would extend that repeal date to January 1, 1986.

(2) Existing law specifies the duties of the sheriff with respect to the superior court, the marshal with respect to municipal court, and the constable with respect to justice court.

This bill would authorize the Board of Supervisors of Shasta County to transfer from the sheriff to the marshal of the Redding Municipal Court the duty of serving process, and would also authorize the Board of Supervisors of Shasta County to consolidate the office of constable with that of sheriff or that of marshal, as specified

(3) Existing law specifies the compensation of court reporters in the various counties.

This bill would increase the per diem for court reporters in Madera County and Shasta County, would authorize the Board of Supervisors in Calaveras County to increase the per diem for superior court reporters in that county, and would increase the salary ranges for court reporters in Solano County.

(4) Existing law establishes various court fees in the superior and municipal courts.

This bill would impose additional fees, as specified, for services of an official reporter, in certain civil cases in the superior and municipal courts in Humboldt County.

(5) Existing law specifies the compensation and classification of various employees of the municipal court in Humboldt County.

This bill would revise the compensation and classification of various employees of the municipal court in Humboldt County.

(6) Existing law specifies the vacation, sick leave, and fringe benefits for superior and municipal court commissioners in Sonoma County.

This bill would revise the vacation, sick leave, and fringe benefits for superior and municipal court commissioners in Sonoma County.

(7) Existing law specifies the number, compensation, and classification of municipal court personnel in Solano County.

This bill would revise the number, compensation, and classification of municipal court personnel in Solano County.

(8) Existing law provides for the marshal in the Vallejo Municipal Court in Solano County.

This bill would make the position of marshal in the Vallejo Municipal Court in Solano County elective rather than appointive, and would revise the salary therefor, as specified

(9) Existing law establishes various municipal court districts throughout the state.

This bill would establish the Redding Judicial District in Shasta County, and would provide for the judge and personnel thereof, as specified.

(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. 1254 (SB 811) L Greene. School and child care facilities.

(1) Existing law establishes the Child Care and Development Services Act for the purpose of providing a comprehensive, coordinated, and cost-effective system of child care and development services for children to age 14 and their parents

Existing law requires, among other things, that the State Allocation Board lease relocatable facilities to qualifying child care and development agencies, as determined by the board with the advice of the Superintendent of Public Instruction, at a rate equal to the prevailing rental rate for each facility

This bill would change the basis for computing the rate of the lease by requiring that the relocatable facilities be leased for a rate based upon the intensity of the use, location, and cost of the facility, rather than the prevailing rental rate

(2) Existing provisions of the Leroy F Greene State School Lease-Purchase Law of 1976 prohibit the State Allocation Board from approving, except as specified, any new school facilities for any applicant school district or county superintendent of schools until it determines that the applicant will utilize all existing facilities to the extent economically and practically feasible [and has written documentation that there are no available facilities in any adjacent district that would be economically and practically feasible to use. School districts with available school facilities not in use are required to first offer to lease those facilities to adjacent districts at fair market value, and the State Allocation Board may prescribe the terms of the lease in the event of a dispute]*.

[This bill does not include the requirement for written documentation regarding the lack of available facilities in adjacent districts and the requirement that districts with available facilities first offer to lease those facilities to adjacent districts at fair market value.]* This bill would authorize the board to ~~also~~* require the applicant to explore cooperative efforts with adjacent districts or adjacent county superintendents of schools in order that all existing or planned facilities in the general area of need shall be utilized to the extent economically and practically feasible.

(3) Existing law provides that when funds are apportioned to a school district for capital outlay projects from the lease-purchase fund, the district shall provide either 10%

of the cost of the projects or contribute to the State School Deferred Maintenance Fund an amount of 1% per year for 10 years, unless the school district is granted a waiver, due to hardship, by the State Allocation Board.

This bill would eliminate the waiver of these required payments, except as applied to buildings used solely for housing special education pupils.

(4) Under existing law, a city or county may require the dedication of land or the payment of fees, or both, by a developer for interim school facilities to mitigate conditions of overcrowding, as specified

This bill would permit a school district to use those fees, or the fair market value of the land, to provide funding for capital outlay projects, as specified.

(5) Existing law requires each operating agency receiving specified migrant education funding to conduct summer school programs for eligible migrant children in kindergarten and grades 1 to 12, inclusive, in accordance with specified criteria. Existing law also requires each school district, county office of education, and community college district to make facilities available upon request for the operation of migrant summer school programs, and requires the superintendent to reduce the district's or county superintendent's entitlement from Section A of the State School Fund by specified amounts if he or she determines that the requests from prospective users of these facilities were denied without just cause

This bill would authorize the superintendent to allow neighboring districts to jointly offer facilities if he or she determines that the use of one district's facilities for an area will adequately meet the needs of the migrant summer school program for the entire area, and would lower to $1,000 the maximum amount by which the district's or county superintendent's entitlement is required to be reduced if requests from prospective users of the facilities were denied without just cause.

Ch. 1255 (SB 830) Presley. Health facilities.

(1) Under existing law, the California Health Facilities Commission is responsible for administering requirements for uniform cost accounting, budgeting, and reporting for health facilities. These provisions will be repealed January 1, 1986

This bill would make various substantive and technical, nonsubstantive changes in this existing law. This bill would make a health facility liable for a civil penalty, as specified, if a health facility does not use the commission's uniform accounting system. The bill would impose a state-mandated local program by extending certain provisions which were to be repealed January 1, 1985, thus requiring local health facilities to comply with these requirements until January 1, 1986.

(2) Existing law provides as to the directors of a mutual benefit corporation elected by members, that there shall be available to the members reasonable nomination and election procedures given the nature, size, and operations of the corporation.

This bill would, with respect to the above provisions, except as specified, provide that the superior court enforce the provisions.

(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 1256 (SB 879) Ayala Bonds.

(1) Under existing law, the maximum interest rate on revenue bonds issued by the Department of Water Resources for state water projects is 8½%, except that until January 1, 1984, the maximum interest rate on bonds issued by the department to finance the construction or acquisition of electric power, power resources, or power facilities for the project is 12%

This bill would permanently increase the maximum interest rate on any revenue bonds issued by the department to 12%.

(2) Existing law authorizes a joint powers entity to issue revenue bonds for specified projects.

This bill would include within these provisions the authority to issue revenue bonds

for facilities for the production, storage, transmission, and treatment of water.

(3) Under existing law, the maximum interest rate for state general obligation bonds specified in the State General Obligation Bond Law is 9%, except that until June 3, 1984, the maximum rate is 11%.

This bill would extend the 11% maximum interest rate on state general obligation bonds until July 1, 1986.

Ch. 1257 (SB 910) Roberti Health: Acquired Immune Deficiency Syndrome research and workshop grants.

Existing law does not provide for research and workshop grants for the study of Acquired Immune Deficiency Syndrome.

This bill would create and provide for the composition of an AIDS Advisory Committee, as specified, for the advancement of knowledge about Acquired Immune Deficiency Syndrome, and would provide for research, education, and workshop grants, as specified. The committee would be abolished effective July 1, 1986.

Ch. 1258 (SB 922) Garamendi State employees

(1) The existing law states the policy that the workweek of state employees shall be 40 hours and does not authorize older state employees to elect to participate in concurrent reduced worktime and partial service retirement.

This bill would authorize any state miscellaneous employee 62 years of age or older and eligible to retire, to elect to participate in reduced worktime for partial service retirement, as defined, with concurrent proportionally reduced compensation and retirement benefits.

This bill would: make denial or involuntary participation subject to grievance procedures, as specified, prohibit impairment of employment rights or benefits of any employee, require that permanent miscellaneous employees participating in the program be given priority for returning to full time, as specified, authorize a participant to further reduce worktime once each fiscal year but prohibit more than one increase in worktime during 5 years to another less than full-time schedule; permit a department to require a participant to return to full-time work only if a state of emergency is declared affecting the area of the state in which the employee works, require all participants to receive proportionately reduced compensation and other benefits on a pro rata basis and to receive such medical and hospital care benefits and dental care benefits as are provided for full-time employees, as specified.

This bill would also require the Department of Personnel Administration, in cooperation with the Public Employees' Retirement System to submit reports on specified matters to the Legislature, as specified

This bill would require that a participant receive from the Public Employees' Retirement System a reduced service retirement allowance in the amount of the allowance the employee would have been entitled to if the employee had fully retired, reduced by the percentage of the employee's full-time work which the employee has elected to work while on partial service retirement and would provide for a retirement allowance upon full retirement, as specified This bill would also express legislative intent and state policy and make related and technical changes in the Public Employees' Retirement Law.

The foregoing changes would become operative on January 1, 1984.

(2) 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, but 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.

This bill would add definitions of the term "member" to these provisions

(2.5) Existing law requires the State Personnel Board to submit to parties engaged in collective bargaining and to the Legislature, by a specified date, a report on the board's findings relating to employee salaries in comparable occupations in private industry and other public agencies.

This bill would delete this provision and require the Department of Personnel Administration to submit similar reports.

(2.7) Existing law prescribes the rate of contribution for patrol members of the Public Employees' Retirement System

This bill would provide that, notwithstanding those provisions, the rate of contribution for patrol members for service rendered on or after January 1, 1984, shall be 8% of the compensation in excess of $863 per month paid those members.

(3) Existing law provides that the scope of representation for purposes of the State Employer-Employee Relations Act shall not include, among other things, the amount of rental rates for state-owned housing charged to state employees.

This bill would delete this exemption from the scope of representation

(4) Existing law permits a judge to elect to become subject to provisions providing benefits to surviving children if the election is made within 6 months of becoming a judge

This bill would permit any judge who became a municipal court judge on May 23, 1980, to elect to come within the above provisions on or before November 30, 1983, and would require the judge to pay all of the contributions he would have made for these benefits had he been covered as soon as eligible therefore.

(5) This bill would approve provisions which require the expenditure of funds of specified memoranda of understanding entered into between the state and specified employee organizations, and would increase the employer's contributions for the 1983–84 fiscal year for basic and related major medical plans with respect to state officers, employees, annuitants, and survivors, as specified.

(6) Existing law requires the Department of Personnel Administration and the Department of General Services to complete an economic rent estimate survey for state-owned housing by November 1, 1983, requires the Department of Personnel Administration to report to the Joint Legislative Budget Committee on the amounts by which rental rates are changed and the amount of reimbursements to various state agencies, and requires the Department of Finance, on January 1, 1984, to reallocate funds and rental reimbursement between state departments based on collective bargaining agreements and the appraisal.

This bill would repeal these provisions

(7) Existing law requires a study by a qualified consultant of the program, organizational, managerial, and staffing needs of the Public Employees' Retirement System, with a preliminary report to the Legislature not later than March 1, 1984, and a final report due on July 1, 1984.

This bill would provide that the final report to the Legislature shall be due on November 1, 1984, rather than July 1, 1984.

(8) This bill would also require the Public Employment Relations Board to enter into a contract to collect, analyze, and compare data on health benefits and cost containment in the public and private sectors and to make recommendations concerning public employees, and would appropriate $40,000 from a specified item in the Budget Act of 1983 for the cost of this contract

(9) The bill would also make a statement of legislative intent relating to the payment of per diem and expenses to members of the Alcoholic Beverage Control Appeals Board as limited by the Budget Act of 1983.

(10) The Budget Act of 1983 contained certain amounts authorized as reimbursements to the Department of Personnel Administration for the funding of 4.6 analyst positions, which amounts were reduced by the Governor.

This bill would provide that, notwithstanding that reduction in authorized reimbursements, the department may reinstate 4.6 analyst positions, to be funded by a pro rata increase in charges to state agencies for costs incurred in negotiating and administering memoranda of understanding

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

Ch. 1259 (SB 940) McCorquodale Health Insurance

Existing law provides that health care service plans may provide mental health coverage. Existing law requires insurers issuing group health coverage, self-insured welfare benefit plans providing certain health coverage, and certain hospital service plans, to offer mental health coverage

This bill would require hose plans and insurers to communicate as to the availability of outpatient coverage fo mental or nervous disorders, as specified

The bill would require local mental health directors to make information about county operated or county contracted outpatient care programs for mental or nervous disorders available to insurers, hospital service plans, health care service plans, and similar entities, thereby imposing a state-mandated local program.

The bill would incorporate amendments to Section 1373 of the Health and Safety Code proposed by AB 1856, to become operative 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

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. 1260 (SB 944) Foran. Taxicabs: regulation.

(1) Under existing law, there is no express requirement for a city or county to regulate privately operated taxicab transportation service If not licensed and regulated by a city or county, taxicab operators are required to obtain a certificate of public convenience and necessity or an annual permit from the Public Utilities Commission and comply with its rules.

This bill would impose a state-mandated local program by requiring every city or county to adopt an ordinance or resolution in regard to taxicab transportation services which are operated within their jurisdiction, as specified, and would authorize the levying of service charges, fees, or assessments for these 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. 1261 (SB 960) Robbins. Insurance.

Existing law defines certain acts and practices by insurers as unfair methods of competition and unfair and deceptive acts. Among the acts so defined is the making or permitting of unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for life insurance or life annuity. Existing law specifies that the provision shall be interpreted, for any contract of ordinary life insurance or individual life annuity, to require differentials based upon the sex of the insured or annuitant

This bill would provide that sex based differentials in rates or dividends or benefits shall not be required for any life insurance or life annuity which may be considered terms, conditions, or privileges of employment, as specified, or for tax sheltered annuities for employees of public schools or specified tax exempt organizations.

The bill would take effect immediately as an urgency statute.

Ch. 1262 (SB 975) Robbins. Insurance: excess funds investments

Existing law authorizes domestic incorporated insurers to invest certain excess funds subject to specified instructions.

This bill would authorize excess funds investments by a domestic incorporated insurer after investing an amount equal to its required minimum paid-in capital in specified securities in certain bona fide hedging transactions and positions in interest rate futures

contracts or options on interest rate futures contracts within the meaning of the federal Commodity Exchange Act, as specified. The Insurance Commissioner would be authorized to establish criteria and prescribe procedures for those transactions and positions.

Ch 1263 (SB 992) Garamendi Development permits.

(1) Existing law requires every city, county, and city and county to provide for coordination of review and decisionmaking and the provision of information regarding the status of all applications and permits for residential developments by a single administrative entity

This bill would impose a state-mandated local program by requiring those entities to perform the same functions for applications and permits for commercial and industrial developments.

(2) Existing law requires the Office of Planning and Research to develop advisory guidelines for a prescribed expedited local development permit procedure and requires that office to provide technical assistance and make grants to counties and cities to assist in establishing an expedited permit procedure. Existing law also requires the Office of Planning and Research to insure that all state agencies comply with certain provisions of state law relating to the review and approval of development projects and permits that office to call a conference of parties to resolve questions or mediate disputes arising from permit applications on any proposed development project.

This bill would create the Office of Permit Assistance within the Office of Planning and Research and would transfer the above responsibilities to that office. The bill would, in addition, require the Office of Permit Assistance to provide information to developers explaining the permit approval process at the state and local level, to assist state and local agencies in an attempt to streamline the permit approval process at the state and local level, and to provide information to developers to assist them in meeting the requirements of the California Environmental Quality Act.

(3) Existing law imposes various responsibilities on lead agencies and responsible agencies with respect to the review and approval of development projects.

This bill would require any state agency which is the lead agency on a development project to inform the applicant for a permit that the Office of Permit Assistance has been created in the Office of Planning and Research to assist, and provide information to, developers relating to the permit approval process.

(4) Existing law requires the lead agency and any responsible agencies to approve or disapprove a development project within specified time limits

This bill would require each city, county, or other local agency, and each state agency, to inform applicants for development permits that the applicant may make a written request to receive notice from the city, county, or other local agency, and each state agency of a proposal to adopt or amend specified plans, ordinances, or regulations generally relating to land use. The bill would require those entities to notify those applicants, who have made the above-described written request, of certain proposed actions if the entity determines that the proposed action is reasonably related to the applicant's request for a development permit. The bill would permit cities and counties to implement an alternative procedure, as prescribed. The bill would impose a state-mandated local program by requiring cities, counties, and other local agencies to perform these requirements It would authorize the city, county, or other local agency to charge applicants a reasonable fee to provide this service.

(5) The bill would declare the intent of the Legislature to encourage local agencies to expeditiously review permit applications to site energy projects and would require the State Energy Resources Conservation and Development Commission to provide technical assistance and grants-in-aid, subject to the availability of funds therefor, to assist local agencies to site specified energy production or transmission projects

(6) The bill would require the Legislative Analyst to conduct a study and report to the Legislature on January 1, 1987, with respect to whether the Office of Permit Assistance has effectively streamlined the development permit process.

(7) The bill would appropriate $100,000 from the Energy Resources Programs Account in the General Fund to the State Energy Resources Conservation and Development Commission to carry out the provisions described in paragraph (5) during the 1983–84 fiscal year

(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. 1264 (SB 997) Mello. Urban waterfront restoration: financing. bonds.

Under existing law, the State Coastal Conservancy is authorized to award grants to local public agencies, as defined, for various prescribed restoration and enhancement activities along the state's coastline, including restoration of urban waterfront areas. Neither the conservancy nor any other agency of the state government is specifically authorized to issue bonds for financing restoration of urban waterfront areas.

This bill would create the California Urban Waterfront Area Restoration Financing Authority and would prescribe its membership, powers, and duties. The authority would be authorized to have outstanding, at any one time, up to $650,000,000 in revenue bonds for financing coastal and inland urban waterfront restoration projects, as prescribed, including projects located within the territory of the Sacramento-Yolo Port District, the Stockton Port District, or on a river, lake, or reservoir located in a metropolitan statistical area meeting specified conditions. The bill would require that $50,000,000 be reserved for projects on a river, lake, or reservoir in a metropolitan statistical area. It would provide that the Legislature may, by statute, authorize the authority to issue bonds in excess of that amount. It would create the California Urban Waterfront Area Restoration Financing Authority Fund in the State Treasury, and all moneys in the fund would be continuously appropriated to the authority for carrying out the purposes of the bill.

The bill would authorize the authority to contract with any participating party, as defined, for the construction of an urban waterfront restoration project by the participating party. It would prohibit the approval of any waterfront restoration projects located wholly or partially within the coastal zone by the authority, unless it has been first approved by the State Coastal Conservancy pursuant to designated provisions and a plan for urban waterfront restoration has been approved by the conservancy for the area, as prescribed.

The bill would require the authority to submit, as prescribed, an annual report to the Legislature on its activities in carrying out designated objectives provided for by the bill.

Ch. 1265 (SB 1029) Vuich. Public utilities: ammonia producers.

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, 1987, requires that, except as specified, 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 that these rates are prohibited from being set lower than the rates in effect on December 31, 1979. The commission is required to submit a report to the Legislature by March 1, 1986, concerning the effects of these provisions.

This bill would instead require that the rates not exceed the price paid by the gas corporation for its marginal gas supply, as defined, plus 20¢ for each million British thermal units (Btu) of gas sold to an ammonia producer. The bill would also change the date by which the commission is required to submit the report to the Legislature to January 1, 1986.

The bill would require the commission, upon making a specified determination, to establish a rate recovery mechanism by placing a uniform surcharge on all sales of natural gas to nonresidential ratepayers by every gas corporation, to set that surcharge according to a specified formula, and to distribute the amount of the surcharge collected to any gas corporation selling natural gas to an ammonia producer.

Ch. 1266 (SB 1041) Lockyer. Unemployment disability compensation.

Under existing law, the maximum amount of unemployment disability benefits payable to an individual during any one disability benefit period is 39 times the individual's weekly benefit amount provided that this amount does not exceed 75% of the total wages paid to the individual during his or her base period. These benefits are payable

from the Disability Fund from which money is continuously appropriated to provide the benefits

This bill would increase this maximum for periods of disability commencing on or after January 1, 1984, but prior to January 1, 1987, to 52 times the individual's weekly benefit amount provided that this amount does not exceed the total wages paid to the individual during his or her base period.

Existing law provides for tax credits, under the Federal Targeted Jobs Tax Credit program, to employers who employ certain certified disabled individuals who participate in programs of the Department of Rehabilitation.

This bill would require the Department of Rehabilitation to establish a program authorizing rehabilitation professionals serving industrially injured workers to refer clients to the Department of Rehabilitation for federal targeted jobs tax credit eligibility determination, and would require the department to set forth the specific requirements, procedures, and eligibility criteria. The department would be authorized to collect a fee from the insurer or self-insured employer in the amount necessary to determine eligibility and to certify the industrially injured worker for this program.

Ch. 1267 (SB 1047) Robbins. Removal of vehicles. alarms.

(1) Existing law specifies various causes for which a peace officer may remove a vehicle from a highway or public or private property.

This bill would authorize any peace officer to remove a vehicle parked on a highway or elsewhere within a residence district, as defined in existing law, if an alarm device in the vehicle has been activated, the peace officer is unable to locate the owner within 45 minutes from the time of arrival at the vehicle's location, and the alarm has not been silenced prior to removal The bill would require the peace officer to report the removal to the Department of Justice

(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 does not mandate any local costs within the meaning of the above constitutional and statutory provisions, because the reporting obligations imposed by the bill are contingent upon local authorities electing to exercise the powers granted by the bill. However, the bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

Ch. 1268 (SB 1067) Petris. High technology educational and research facilities construction and renovation.

Existing law authorizes the State Public Works Board, among other things, to acquire and construct public buildings, charge and collect rentals for the use of public buildings, and issue certificates or revenue bonds to obtain funds to pay the cost of public buildings

This bill would authorize the board to finance the construction or renovation, and the equipping, of public buildings or facilities within the University of California, the California State University, the California Maritime Academy, and the California Community Colleges, as specified. It would require that any such public buildings be used only for educational and research purposes related to specified fields of high technology, including engineering, computer science, biological science, and related basic sciences It would authorize the board to lease-purchase those public buildings or facilities to the Regents of the University of California and to lease or lease-purchase them to the Trustees of the California State University, the Board of Governors of the California Maritime Academy, and the California Community College districts, as specified, for those specified purposes

This bill would authorize the board to issue certificates or revenue bonds, negotiable notes, or negotiable bond anticipation notes to finance the cost of construction or renovation and the equipping of the public buildings or facilities, as specified It would specifically require that the rentals, revenues, or receipts from the public buildings and equipment be pledged to the payment of the principal and interest on the certificates, revenue bonds, notes, or anticipation notes It would prohibit the issuance of certificates, revenue bonds, notes, or anticipation notes and the construction or the renovation or

the equipping of the public buildings or facilities unless the Legislature, by statute, authorizes the issuance of the certificates, revenue bonds, notes, or anticipation notes for, and the construction of, that public building or facility.

This bill would remain in effect only until January 1, 1992, and on that date would be repealed unless a later enacted statute deletes or extends that date

Ch. 1269 (SB 1114) McCorquodale. Health facilities: license fees

(1) Under existing law, the fees required to accompany an application for the issuance or renewal of a license for referral agencies, adult day health centers, and home health agencies are required to be adjusted annually by a specified formula.

This bill would instead require an annual adjustment to the license fees of home health agencies, and would specify the formula to be used.

(2) Existing law specifies the amount of fees to accompany an application for issuance and renewal of licenses for general acute care hospitals, acute psychiatric hospitals, special hospitals, general acute care/rehabilitation hospitals, psychiatric health facilities, chemical dependency recovery hospitals, skilled nursing facilities, intermediate care facilities and intermediate care facilities/developmentally disabled, and provides that (1) these amounts are only effective until July 1 1983, and (2) that, in using a prescribed formula to calculate fees after July 1, 1983, separate fees are to be established for the above facilities in an amount commensurate with their respective share of costs of administration. Existing law requires the department to submit a report to the Legislature on certain program costs and methodologies for calculating fees

This bill would provide that the fees be adjusted, commencing July 1, 1983, as proposed in the State Department of Health Services 1983–84 fiscal year Health Facility License Fee Report, and commencing July 1, 1984, annually as directed by the Legislature in the annual Budget Act. This bill would delete the requirement in (2) above. The bill would require a license fee to be paid annually, notwithstanding the length of the period for which a renewal license is issued The bill would require the department to submit the above report to the Legislature on or before January 17 of each fiscal year and to include a methodology for calculating fee levels in an amount sufficient to provide revenues as specified.

This bill would incorporate additional changes in Section 1267 of the Health and Safety Code proposed by SB 367, to be operative only if this bill and SB 367 are both chaptered and become effective on or before January 1, 1984, and this bill is chaptered last. These changes would become operative on the effective date of SB 367

This bill would make technical changes in existing law.

(3) Under the California Adult Day Health Care Act, each application for a license or license renewal must be accompanied by a fee to be determined annually by the Director of Health Services. The director is required by current law to waive the fee or reduce the fee to $30 in specified circumstances.

This bill would, instead, establish the annual fee at $517.

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

Ch. 1270 (SB 1155) Torres Schools: educational flexibility.

(1) This bill would state the intent of the Legislature to maintain and improve educational program quality while providing greater flexibility at the state and local levels, and to reduce paperwork which does not have direct educational benefit.

(2) Under existing law, school districts are required to close the public schools on November 11 known as Veterans Day.

This bill would authorize the governing board of a school district to elect to celebrate Veterans Day on the Friday or Monday of the week in which November 11 occurs. This new authorization would impose state-mandated costs as its exercise would be subject to negotiation under existing law relating to public school employer-employee relations.

(3) Existing law establishes a statutory scheme for implementing school improvement plans and specifies various duties and functions in connection therewith.

Existing law requires the governing board of a participating school district to develop and annually update a district master plan and to submit the plan to the State Board of Education for approval, and specifies the content of the plan

This bill would delete the requirement to submit the plan to the State Board of Education and would, instead, require that the updated plan be approved by the govern-

ing board of the school district, retained at the district office, available to the Superintendent of Public Instruction upon request, and available to the public upon a reasonable basis pursuant to the provisions of the California Public Records Act.

This bill would revise the requirement that the master plan include copies of school improvement plans to specify that plans may be either newly developed or revisions of previously approved plans which shall be retained at the school site and the local education agency office

(4) Existing law prohibits any school from participating in school-based coordinated categorical programs unless a school plan has been approved for the school.

Existing law also requires the State Board of Education to approve or disapprove these plans based solely upon compliance with specified statutory provisions

This bill would delete the duty of the State Board of Education to approve these school plans and would revise the prohibition against the participation of schools without approved school plans to instead prohibit school participation unless a newly developed plan or a revision of a previously approved plan which is approved by the local governing board is retained at the school site, available to the Superintendent of Public Instruction upon request, and available to the public upon a reasonable basis pursuant to the provisions of the California Public Records Act.

(5) Existing law establishes educational programs for educationally disadvantaged youths, and apportions funds for this purpose

Existing law requires the Superintendent of Public Instruction to apportion funds to each district based upon a district allocation plan, a school plan, and a list of programs, as specified, which are submitted to the superintendent and approved by the State Board of Education.

This bill would require that only the district allocation plan developed pursuant to specified statutory provisions be submitted to the superintendent and approved by the board.

This bill would require the school plan to be (a) approved by the school district governing board, (b) retained at the school site and at the local education agency office, (c) available to the superintendent upon request, and available to the public upon a reasonable basis pursuant to the provisions of the California Public Records Act

(6) Existing law establishes the Miller-Unruh Basic Reading Act of 1965 for the purpose of preventing and correcting reading disabilities at the earliest possible time

Under existing law, the governing board of a school district maintaining an elementary school is authorized to appoint any elementary school teacher to a reading specialist position if the appointee meets certain specified minimum requirements

This bill would make some, but not all, of these requirements inapplicable to reading specialists with valid Miller-Unruh Reading Specialist Certificates issued prior to the effective date of this bill.

Existing law requires the reading specialist to serve as a reading and language resource specialist for the school

This bill would revise this by requiring the specialist to serve as a reading resource specialist for the school

(7) Under existing law, the Legislature is required to conduct a comprehensive study of certain education programs. These programs, as presently maintained, terminate on various specified dates, unless the Legislature enacts legislation providing otherwise If the Legislature does not enact such legislation, funding for the general purposes of the program continues after the termination date, but relevant statutes and regulations are not operative

This bill would revise these provisions by specifying that these programs "sunset," rather than "terminate," and would define the terms "sunset" and "sunset date," as specified

This bill would revise the sunset dates and would revise the programs affected thereby

This bill would also declare the Legislature's intent to ensure that each categorical program is reviewed the year prior to the program's sunset date and to consider the appropriateness of program administration by agencies other than the State Department of Education

Under existing law, the Legislature is required to conduct a detailed study to ensure that each funding source and program is scrutinized regarding, but not limited to,

specified areas of the programs

This bill would add various requirements as to the dates by which specified reports on programs scheduled to sunset must be submitted to the Legislature, and would require the State Department of Education, the Legislative Counsel, and temporary advisory committees established pursuant to a specified statutory provision to submit reports on these programs to the Legislature, as specified.

This bill would also require the State Department of Education to submit to the Legislative Analyst a copy of each legislative report it submits to the Legislature on the programs. This bill would require the Legislative Analyst to review each report submitted by the State Department of Education and, no later than 90 days following the receipt of each report, submit findings, comments, and recommendations to the Legislature, as specified.

This bill would also add various advisory committees and would specify the appointment of the membership of these committees.

(8) Under existing regulations of the State Board of Education, each school district is required to submit a single consolidated application for approval or continuance of specified categorical programs.

This bill would codify those requirements, but would specify that school districts shall not be required to submit to the State Department of Education, as part of the consolidated application, school plans for the specified categorical programs. This bill would require school districts to assure, in the consolidated application, that the appropriate school plans have been prepared, as specified, and would also include certification to that effect from appropriate district advisory committees. Under this bill, the State Department of Education would be required to initiate an investigation of any consolidated application lacking the necessary certifications and assurances to determine compliance with applicable law.

This bill would also require that the application include a description of compliance procedures adopted by the school district.

This bill would require districts to submit pupil and fiscal data confirming compliance with specified categorical program requirements, which would be used with the school plans as a basis for compliance determinations, as specified.

This bill would specify that onsite school program and district compliance reviews of categorical programs shall continue, and would require the submission of school plans (a) for onsite visits and compliance reviews, (b) for any school which is the subject of a complaint involving the specified categorical programs and (c) whenever the State Department of Education requires the plan in order to effectively administer the specified categorical programs.

This bill would require school districts operating categorical programs to ensure review of the programs at least once every 3 years, as specified, according to regulations and processes developed by the Superintendent of Public Instruction, except that the reviews may be conducted every 4, 5, or 6 years if the superintendent specifically determines that the district has a history of operating high quality categorical programs, as specified.

This bill would authorize the State Department of Education to require districts to submit such other data or information as may be necessary to effectively administer the categorical program.

This bill would impose state-mandated costs by codifying existing regulations and by adding various application requirements necessitating changes in procedures.

(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 take effect immediately as an urgency statute.

Ch 1271 (SB 1176) Johnson. Sanitarians

(1) Under existing law, provision is made for the registration, certification, and regulation of sanitarians.

This bill would repeal the existing provisions of law relating to sanitarians and add new provisions providing for the registration, certification, and regulation of sanitarians The bill would also provide for the imposition of various fees in connection with these activities and place these fees in the Sanitarian Registration Fund, which the bill would create and continuously appropriate to carry out the purposes of the bill The bill would also create, provide for the membership of, and prescribe the duties of a Sanitarian Registration Certification Committee

(2) Under existing law, various actions are declared to be misdemeanors

This bill would make it a misdemeanor to use the words "registered sanitarian" as a working title by unauthorized persons By creating a new misdemeanor, this bill creates a state-mandated local program

(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. 1272 (SB 1205) Carpenter. Health facilities disclosure act

(1) Under existing law, the California Health Facilities Commission is charged with responsibility for administering the requirements for uniform cost accounting and reporting for health facilities subject to the California Health Facilities Disclosure Act Existing law provides that the commission shall be responsible for developing and establishing standards of effectiveness for health facilities, as specified, and aggregate annual expenditure estimates which are required to be used as guidelines and to be addressed in Health Systems Agency plans and the state plan

This bill would delete the responsibility of the commission to develop standards of effectiveness, and instead give the commission the responsibility of developing aggregate industry and individual facility cost and operational data for health facilities, as specified.

(2) Existing law prohibits certain members of the commission from owning, operating, managing, or being employed by any health facility or organization composed of health facilities subject to the California Health Facilities Disclosure Act

This bill would limit this prohibition to public members of the commission.

(3) Existing law requires every health facility or its designee to file a Hospital Discharge Abstract Data Record, as specified.

This bill would, instead, require every hospital to file this record and would require the commission to publish individual hospital discharge data summaries no later than 6 months after the date the data is required to be submitted. The bill permits the commission to grant modifications to systems of reporting this data.

(4) Under existing law a health facility may use coding from the International Coding of Diseases in recording diagnoses and procedures.

This bill would instead require hospitals to use the International Classification of Diseases for those purposes and would, therefore, impose a state-mandated local program upon hospitals of various local public agencies

Ch 1273 (SB 1210) Carpenter Elder abuse

Existing law contains provisions permitting persons to make reports of abuse or suspected abuse of dependent adults, which include elderly persons, to county adult protective services agencies on forms which shall be designed by the State Department of Social Services

This bill would, with respect to elderly persons, as defined, instead provide that elder care custodians, medical practitioners, nonmedical practitioners, or any employee of an elder protective agency, as these terms are defined by the bill, who has actual knowledge that an elder whom he or she observes in his or her professional capacity, or within the scope of his or her employment, has been the victim of physical abuse shall report the suspected instances to elder protective agencies, as defined, immediately or as soon as possible by telephone and shall prepare and send a written report thereof within 36 hours

The bill would allow, but not require, all other persons to report instances of elder abuse, as defined, to elder protective agencies

Elder care custodians, medical practitioners, nonmedical practitioners, or employees of an elder protective agency would also be permitted to report instances of mental abuse

The bill would provide that elder protective services shall not be provided by an elder protective agency without the consent of the elder abuse victim, except that temporary guardianship or conservatorship appointments may be sought if the victim is found to be so incapacitated as to not have the ability to give or deny consent

The bill would require each county to report to the State Department of Social Services on the number of elder abuse reports received

The bill would provide that elder abuse agencies shall establish procedures for the sharing of information and the coordination of investigations relating to instances of suspected elder abuse.

The bill would specify informational requirements for reports of instances of elder abuse

The bill would specify that in any court proceeding or administrative hearing, neither the physician-patient privilege nor the psychotherapist-patient privilege would apply to specific elder abuse information required to be reported by the bill

Existing law specifies that no civil or criminal liability shall arise from failure to file a report concerning instances of abuse or suspected abuse to dependent adults.

The bill would, with respect to elderly persons, provide that no person required to make a report shall bear civil or criminal liability for reporting suspected elder abuse, and that no other person shall bear any liability for reporting these instances unless the person knew, or should have known, that the report was false.

The bill would provide that any person knowingly failing to report, when required, an instance of elder abuse is guilty of a misdemeanor punishable by a fine not to exceed $1,000.

The bill would provide that county adult protection services agencies shall not be responsible for any increase in adult protective services resulting from the provisions of this bill, except to the extent that existing state and federal funds are available for these services.

This bill would, by creating a crime and by imposing additional duties upon elder protective agencies, create a state-mandated local 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

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. 1274 (SB 1228) Nielsen Veterans' Home of California: post fund and advisory bodies

Under existing law, the Commandant, Veterans' Home of California, maintains a post fund to be used at the commandant's discretion, subject to approval of the Director of Veterans Affairs, to provide for the general welfare of the home and its members. Under existing law, estate assets received by the home up to and including $100,000 per year go into the post fund, and all amounts over this go to the General Fund

This bill would specify that the post fund includes interest earned on invested funds and funds derived from the estates of deceased members. The bill would require that estate assets received by the home up to and including $200,000 per year be paid into the post fund and that all estate assets in excess of that amount per year be paid into the General Fund In making these changes, the bill would make an appropriation The bill would make these changes become operative on January 1, 1986.

The bill would also specify that the Veterans' Home Allied Council composed of

members of the home is specifically recognized as an advisory body to the commandant

Ch. 1275 (SB 1254) Vuich Milk inspection services

(1) Under existing law, for the purpose of maintaining an approved milk inspection service, the city or county operating the service is authorized to levy and collect an inspection fee from producers of market milk that is produced at dairy farms or from distributors of market milk that is processed and handled at milk production plants, or from both producers and distributors.

This bill would require that any fees levied by a city or county for dairy farm inspection may not exceed the fee maximums charged by the Director of Food and Agriculture for inspection services the director provides. The bill would also revise the fees that the director may charge for inspection services provided by the director.

(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 create a state-mandated local program by restricting the ability of cities and counties to charge and collect fees for dairy inspection services.

The 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 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. 1276 (AB 282) D. Brown. School districts.

(1) Existing law requires that on or before August 10, the county board of education shall hold a public hearing on the county school service fund budget.

This bill would change the August 10 date to September 7

(2) Existing law requires that proceeds from the sale of surplus property be used for capital outlay or costs of maintenance that the governing board of the school district determines will not recur within a 5-year period and permits the deposit of the proceeds in the district general fund if required determinations have been made. Existing law permits funds which a school district derives from the lease with option to purchase of its surplus property to be used for routine repair of district facilities, as defined by the State Allocation Board, for up to a 5-year period

This bill would permit the above proceeds to be deposited into a special reserve fund for capital outlay, costs of maintenance, as specified, or for the future maintenance and renovation of school sites, if the required determinations have been made.

Ch. 1277 (AB 300) Condit. 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, a court may award reasonable visitation rights with regard to a child of the parties to the marriage that is the subject of the proceedings to any person having an interest in the welfare of the child

This bill would specify that the jurisdiction granted by that section includes the granting of reasonable visitation rights to a person who is a grandparent of a minor child of a party to the marriage

The bill would also require a court, in specified cases where it awards visitation rights, to consider whether the child's best interests require that visitation rights requested by a stepparent or grandparent against whom any one of several restraining orders relating to domestic violence, as prescribed, has been entered, should be denied.

The bill would establish a state-mandated local program by requiring the court to set the matter of visitation rights for mediation if a grandparent has applied for an order of reasonable visitation rights. If no settlement is reached, the matter of visitation rights would be determined by the court. upon a noticed hearing

The bill would also authorize the superior court to increase the filing fee for specified

petitions under the Family Law Act and the fee for responses thereto, by $5, to cover the costs of the mediation services required 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

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

Ch 1278 (AB 349) Cossa Income tax returns. contributions to United States Olympic Committee

Existing law allows individuals to designate on their personal income tax returns the payment of various specified amounts, in addition to their tax liability, to the California Election Campaign Fund for disbursement to qualified political parties.

This bill would allow taxpayers to designate on their personal income tax returns that any full dollar amount in excess of their tax liability shall be contributed to the United States Olympic Committee Fund, which the bill would create. Amounts designated pursuant to the bill would not be allowed as a deduction for any taxable year.

Contributions would be continuously appropriated without regard to fiscal years to the United States Olympic Committee to carry out the functions and duties of that committee, and to specified state agencies to reimburse them for administrative costs.

Ch. 1279 (AB 553) N Waters California Avocado Commission

(1) Under existing law, the California Avocado Commission is created as a commission to deal with advertising, promotion, production research, and related marketing research

This bill would add the collection and dissemination of crop volume and related statistics to the above-stated areas of responsibility.

(2) Under existing law, the public member of the commission is elected by a majority of the commission from 5 nominees recommended by the Director of Consumer Affairs.

This bill would instead require the public member to be appointed by the Director of Food and Agriculture from nominees recommended by the commission

(3) Under existing law, for purposes of the commission, "marketing research" is defined to mean any research relating to the sale of avocados.

This bill would add inventory of avocados to that definition and would authorize the commission to perform inventory related research, as specified

(4) Existing law requires the commission to adopt a corporate seal.

This bill authorizes the commission to adopt a corporate seal

(5) Existing law authorizes the commission to employ a manager to serve as president and chief executive officer

This bill would delete the term "manager" and instead authorize the commission to employ a person to serve as president and chief executive officer.

(6) Under existing law, the books, records, and accounts of the commission are subject to an annual independent audit by an auditing firm approved by the Department of Finance, which may itself audit the books, records, and accounts at any time.

This bill would remove the authority of the department to perform an audit of the commission and would also give the Director of Food and Agriculture, instead of the department, the authority to approve the auditing firm for the commission's annual audit

(7) Existing law authorizes the commission to disclose, among other things, financial reports, as specified, which are made to it

This bill would delete these financial reports from the items that the commission may disclose

(8) Under existing law, it is a misdemeanor for a person who ships avocados or engages in the wholesale or retail trade of avocados to fail or refuse to furnish, among other things, information to the commission regarding the quantity of the avocados so received

This bill would add inventory, by variety, of the avocados to the information that is required to be furnished

(9) Existing law generally requires persons bringing a legal action for equitable relief to allege that there is no adequate remedy at law

This bill would state that it is not necessary for the commission to allege or prove that an adequate remedy at law does not exist in any action brought under the provisions relating to the commission

(10) The bill would make numerous other related changes to laws relating to the commission

(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 impose a state-mandated local program by creating a new crime

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

Ch 1280 (AB 959) Davis. Santa Monica Mountains Conservancy

(1) Existing law authorizes the Department of Parks and Recreation to expend $1,000,000 for the acquisition and development of Fryman Canyon

This bill would require the department to transfer Fryman Canyon to the Santa Monica Mountains Conservancy on January 1, 1984, and the conservancy would be authorized to transfer the property only to National Park Service and without payment of any compensation

(2) Existing law authorizes the Department of Parks and Recreation to expend $1,500,000 appropriated from the State, Urban, and Coastal Parks Fund for acquisition, development, or restoration of Stunt Ranch for the state park system in accordance with specified conditions

This bill would require the Department of Parks and Recreation to transfer Stunt Ranch to the conservancy It would authorize the conservancy to transfer a portion of Stunt Ranch to the Regents of the University of California if the conservancy acquires specified property from the regents by March 1, 1984 The property received from the regents would be transferred by the conservancy to the department or the National Park Service for the benefit of the state park system, as specified. The conservancy could transfer the remaining portion of Stunt Ranch to the department or the National Park Service for the benefit of the state park system, as specified

(3) Under existing law, the Director of Finance is required to approve every gift to the state of real or personal property, and the Director of General Services is required to approve every contract for the acquisition of real property entered into by or on behalf of the state. The conservancy is authorized to accept gifts, donations, or bequests from individuals or organizations

This bill would deem gifts of personal property to the conservancy to have been approved by the Director of Finance unless disapproved within 60 days upon receipt of a request for approval from the executive director of the conservancy The bill would require the conservancy to submit gifts of real property to the Department of General Services for review. The department would be required to complete its review within 30 days and to transmit the request for approval to the Director of Finance Unless the gift of real property is disapproved by the director within 30 days, it would be deemed approved

(4) Existing provisions of Section 13340 of the Government Code prohibit on and after July 1, 1983, the encumbrance of any moneys in any fund which is continuously appropriated The Santa Monica Mountains Conservancy Fund which was established after the enactment of Section 13340 makes money in the fund continuously available for specified purposes

This bill would specifically provide that, notwithstanding Section 13340, deposits into the fund would continue to be available for those purposes

Ch. 1281 (AB 1136) Klehs Taxation

Existing law, enacted as Chapter 1058 of the Statutes of 1982, substantially revised the Timber Yield Tax Law by (1) changing the method of allocating yield tax revenues to counties by a phase-out of annual yield tax revenue guarantees and a phase-in of an

allocation which takes into account the annual yield tax revenue obtained from each county receiving allocations, (2) providing for the transmission of 100% of the balance of funds in the Timber Tax Reserve Fund to counties based on minimum revenue guarantee formulas; and (3) providing for the deposit of all taxes, interest, penalties, and other amounts collected under that law, including the amounts collected as timber reserve fund taxes, in the Timber Tax Fund.

This bill would delete the definition of a "tax rate area" and any reference to that term in that law to reflect the change in the method of allocating timber tax revenues Similarly, it would delete all provisions in that law and in other statutory provisions which relate to the reporting of timber harvests by tax rate area

This bill would also provide that all taxes, interest, penalties, and other amounts paid or collected under that law on or before July 31, 1983, except timber reserve fund taxes paid or collected, shall be deposited in the Timber Tax Fund, but that all those amounts paid or collected on and after August 1, 1983, regardless of their source, shall be deposited in the Timber Tax Fund

Existing property tax law establishes a 4-year statute of limitations for corrections by the State Board of Equalization of assessed values on the board's assessment roll for state assessees when those assessed values are found through audit to be erroneous for various specified reasons

Existing property tax law also provides for a 4-year or 6-year period, as applicable, within which the State Board of Equalization may make escape assessments against state assessees

This bill would authorize the board to enter into agreements with state assessees waiving the period in which escape assessments may be made and would make these waiver contracts available for assessment roll corrections resulting from errors discovered through audit.

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. The delinquent fees are thereafter added to the property tax bill and if those delinquent fees cannot be determined, a penalty for failure to register the mobilehome is required to be added for each year or part thereof that the mobilehome has been in this state without a current registration, not to exceed 4 years.

This bill would specify that any mobilehome subject to local property taxation as a result of delinquent license fees shall be subject to existing collection procedures for license fees otherwise due until the time the mobilehome is actually enrolled on the local property tax roll

Existing law establishes a procedure to permit owners whose mobilehomes have or will become subject to local property taxation because of certain 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.

Existing law exempts a mobilehome owner from any 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 a waiver request is submitted prior to June 30, 1983

This bill would extend the waiver request deadline from June 30, 1983, to January 1, 1984.

Existing law governing the property taxation of mobilehomes contains separate provisions for determining when a mobilehome has been "purchased" or undergone a "change in ownership" for purposes of reassessment

This bill would delete these separate provisions and would specify that the provisions governing what constitutes a "change in ownership" or a "purchase" for general property taxation purposes shall, to the extent applicable, govern the property taxation of mobilehomes

Existing law contains provisions providing for the method of valuation applicable to escape assessments of computer program storage media for any year prior to the 1974 lien date

This bill would delete that obsolete provision

Existing law provides for the cancellation of a tax sale with respect to any property sold to the state by operation of law for delinquent taxes for any fiscal year commencing during the 1958 or 1959 calendar year if the property was that to which the church exemption was subsequently available

This bill would delete that obsolete provision.

This bill would correct or delete erroneous or obsolete section cross-references or provisions which are contained in various statutory provisions relating to, among others, the following subjects: (1) property tax relief for mobilehomes damaged or destroyed by disaster, (2) open-space land assessment, (3) state allocations to replace local revenues lost by reason of specific property tax exemptions, (4) the condemnation of land zoned as timberland preserve, (5) the definition of "full cash value" for property taxation, (6) the property tax exemption of vessels; (7) timberland assessments; (8) the annual establishment of the last equalized assessment roll; (9) the reporting of local agency property tax rates, (10) tax sales and sales of tax-deeded property, (11) the preparation and sending of claims forms for the homeowner's exemption, and (12) property tax delinquent penalties associated with late claims for the homeowners', veterans', and disabled veterans' exemptions

This bill would also make technical nonsubstantive changes in various of its 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

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 take effect immediately as an urgency statute.

Ch. 1282 (AB 1162) Bates Child care and development services job training programs

(1) Under existing law, state and federally subsidized child care and development services are allocated to eligible families according to a specified system of priorities. Existing law also requires the Superintendent of Public Instruction to establish a schedule of fees for families utilizing those child care and development services which conforms with federal regulations ; ~~but specifies that no fee may be required of a recipient of public assistance~~ [and requires that SSI-SSP and AFDC grants are to be considered as income for purposes of determining the amount of fees]*

This bill would authorize the superintendent to set criteria for, and grant waivers of, the priorities for child care and development services to agencies which wish to serve specific populations, but would not permit those agencies to avoid appropriate fee schedules or admit ineligible families

[This bill would require the Superintendent of Public Instruction to establish regulations for the collection of payments from families receiving AFDC benefits, but would delete the provisions requiring SSI-SSP and AFDC grants to be considered as income for purposes of determining fees]* This bill would specify that the child care and development agency collecting the fee may keep 10% of the fee to defer costs of collection. Upon receiving an appropriation therefor, the State Department of Education would be required to utilize the balance of the fees collected to first reimburse the child care and development agency for providing additional services to eligible families. The remainder of the balance would then be required to be transferred to the local child care and employment fund, as specified

The bill would require the State Department of Education to file a report of the total amount of fees collected pursuant to a specified provision for child care and development services with the State Department of Finance on or before April 1 of each year. The Department of Finance would then be required to transfer an amount equal to the reported figure from the amount appropriated from the General Fund to the State Department of Education for child care, first to reimburse the State Department of Social Services for any increase in Aid to Families with Dependent Children costs caused by the operation of these provisions, with the net balance then transferred to the

General Fund to offset the amount appropriated therefrom for child care

This bill would also ~~require the superintendent to implement procedures to notify counties of those children whose parent receives benefits under the Aid to Families with Dependent Children and who is working and would~~* impose state-mandated costs by requiring ~~the counties to submit payment to the State Department of Education to be used for local assistance, as specified~~ [child care and development agencies to collect payments from families receiving AFDC benefits]*

(2) Existing law establishes the Child Care and Development Services Act to provide a comprehensive, coordinated and cost-effective system of child care and development services for children to age 14 and their parents.

This bill would establish the Child Care and Employment Act to provide child care services for the children of participants in job training and placement programs developed pursuant to specified federal legislation and would establish a child care and employment fund in each service delivery area which would include, but not be limited to, specified funds

This bill would also require the superintendent to identify one or more child development agencies to administer the child care and employment fund within each service delivery area by March 1, 1984, and would specify the criteria these agencies must meet in order to be awarded contracts.

This bill would also. (a) require that administrative expenditures not exceed 10% of the total and that support services not exceed 15% of the total, (b) require the child care agency to negotiate service levels and provide specified services, and (c) allow a renewable 90-day transition period during which parents may receive services after the end of subsidized training

This bill would repeal the provisions of the Child Care and Employment Act on December 31, 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, except as specified, and no reimbursement is required by this act for a specified reason

This bill would require the State Department of Social Services to use the sum of $6,000,000 appropriated to the department for child care services by Schedule (c) (2) of Item 5180-151-866 of the Budget Act of 1983 to contract with the State Department of Education, which would then be required to allocate that sum to local child care and employment funds for the purposes for which these funds have been established.

Ch. 1283 (AB 1163) Bates Family day care facilities for children.

Under existing law, there is a pilot project of registration of family day care homes for children established in 3 counties, limited to facilities which care for 6 or fewer children. This pilot project will terminate January 1, 1984

This bill provides that family day care homes which on December 31, 1983, have a valid, unexpired registration to operate under the pilot project shall be deemed to be issued a family day care license effective January 1, 1984, as specified. However, all other requirements of licensing would be required to be continued to be met. Licenses issued under the provisions of this bill would be eligible for renewal under the requirements of the license renewal procedures for family day care homes. The bill would require the State Department of Social Services to establish a schedule of expiration dates for licenses issued under these provisions

Ch 1284 (AB 1441) Filante. Workers' compensation medical-legal expenses.

Existing law provides that the employee, or the dependents of a deceased employee, shall be reimbursed for expenses reasonably, actually, and necessarily incurred for X-rays, laboratory fees, medical reports, medical testimony, and interpreter's fees to prove a contested workers' compensation claim. Existing law also provides that, beginning on January 1, 1984, the level of fees for services of an independent expert medical examiner shall be set periodically by the Administrative Director of the Division of Industrial Accidents at a level which will assure the availability of outstanding medical and chiro-

practic experts to serve as independent examiners, and that expenses of medical testimony shall be presumed reasonable if in conformity with the fee schedule charges provided for impartial medical experts appointed by the administrative director.

This bill would provide that these provisions shall become operative on July 1, 1984, rather than January 1, 1984

Ch 1285 (AB 1593) Costa. Medi-Cal· long-term care

(1) Existing law defines and provides for the licensure of various types of health facilities, including acute care hospitals.

This bill would require that these hospitals, with exemptions as specified, obtain separate licensure in order to provide certain basic nursing care services under the Medi-Cal program

(2) Existing state health planning law requires that a certificate of need be obtained from the Office of Statewide Health Planning and Development before certain health facility projects are commenced, including the conversion of a health facility from one license category to another.

This bill would, instead, require a certificate of need for the conversion of an entire health facility from one license category to another and for the relocation of a health facility or specialty clinic. The bill would eliminate the certificate-of-need requirement in current law for the conversion of a health facility's existing beds in one bed classification to a different bed classification, except for conversions from one bed classification to a skilled nursing, psychiatric, or intermediate care bed classification and the conversion of skilled nursing beds, psychiatric beds, or intermediate care beds to other bed classifications except in general acute care hospitals in specified circumstances It would also eliminate the certificate-of-need requirement for the establishment of certain emergency centers and the purchase or lease of certain equipment by health facilities The bill would permit a health facility to use no more than 5% of the facility's beds in bed classifications other than those licensed classifications of those beds if certain conditions are met

(3) Under existing law, a certificate of need is required for projects requiring a capital expenditure for a health facility or specialty clinic, as defined, in excess of $600,000.

This bill would eliminate the certificate-of-need requirement for these projects by health facilities, and would increase the above amount from $600,000 to $1,000,000 for a specialty clinic

(4) Existing law contains a requirement that long-term care patients occupying swing beds in an acute care hospital shall be transferred to skilled nursing or intermediate care facilities within a 25-mile radius of the acute care hospital whenever the hospital receives notification that beds are available in these facilities and if adequate care can be provided

Existing law also requires that Medi-Cal reimbursement to primary care hospitals for long-term care patients occupying swing beds shall be made using long-term care rates

This bill would exempt certain acute care hospitals from these requirements

(5) Under existing law, the Administrative Procedure Act generally governs the procedure used in hearings of the Office of Statewide Health Planning and Development on certificate-of-need applications.

This bill would provide that if the office orders a hearing on the application, the applicant may request, in the alternative, an informal hearing on the matter, as specified.

(6) Existing law provides that persons eligible for Medi-Cal under either the medically needy category of eligibility or the medically indigent category of eligibility and who reside in a skilled nursing facility are permitted to keep a specified amount of income for personal and incidental needs

This bill would provide that an individual residing in a long-term care facility who would be ineligible for Medi-Cal due to income in excess of the amount allowed for these needs shall be eligible for Medi-Cal if the individual meets specified conditions pertaining to employment of the individual within the long-term care facility

This bill would incorporate additional amendments proposed by SB 640, contingent upon the prior enactment of SB 640

Ch. 1286 (AB 1673) Baker Vehicle remanufacturers

(1) Existing laws relating to occupational licensing and taxation contain special provisions applicable to vehicle manufacturers. Existing law does not, however, expressly include or exclude as manufacturers persons who produce vehicles from used and reconditioned parts, although the Vehicle Code contains special provisions for registration of reconstructed or specially constructed vehicles

This bill would define and provide for licensure of vehicle remanufacturers and their branches. The bill would require remanufacturers to post a $25,000 bond as a condition of licensure The bill would impose special requirements relating to disclosures and sales practices with respect to remanufactured vehicles The bill would make conforming related changes in the tax laws. The bill would also impose a state-mandated local program by creating new infractions relative to the business of vehicle remanufacturing and by making it a misdemeanor to fail to return a remanufacturer's license and special plates upon cancellation, suspension, or revocation of a remanufacturer's license or to fail to surrender registration documents and license plates before vehicle disassembling

(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 1287 (AB 2117) Moore. Public utilities gas purchasers.

Under existing law, public utilities, including gas corporations, are subject to the jurisdiction and control of the Public Utilities Commission.

This bill would direct the commission, in consultation with the Division of Oil and Gas of the Department of Conservation and with the State Energy Resources Conservation and Development Commission, to encourage, as a first priority, the increased production of gas in this state, including the outer continental shelf along the coast of California. This bill would also require, after a hearing, during which the commission would be required to consider a specified analysis which the Business, Transportation and Housing Agency would be required to prepare and submit to the commission, gas corporations to purchase that gas which is compatible with the corporation's gas plant and which is produced in this state, unless this requirement will result in higher overall costs of gas or other consequences adverse to gas customers. and would direct the commission to report thereon to the Legislature annually on or before July 1, to and including January 1, 1986, as prescribed The bill would state the intent of the Legislature in this regard

Ch 1288 (AB 2155) Johnston Common-interest subdivisions

Existing law authorizes a common-interest subdivision association to levy fees for expenses attributable to the ownership, operation, and furnishing of common interests in subdivisions Existing law also sets financial disclosure requirements for various types of corporations, which may include certain common-interest subdivision associations.

This bill would require that financial statements by a common-interest subdivision association be prepared and be distributed to members, including an operating budget, as prescribed, a review of the financial statement in certain circumstances, and a statement as to policies and practices in enforcing lien rights and other remedies against members, as specified. These provisions would remain in effect until July 1, 1989, when they would be repealed

The bill would also require the owner of a lot or unit in specified subdivisions to provide a prospective purchaser with a copy of the most current financial statement

The existing Subdivision Map Act defines "subdivision" as including a community apartment project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment on that land, and the conversion of 5 or more units to a stock cooperative. However, existing statutes make the Subdivision Map Act inapplicable to the conversion of a stock cooperative to a condominium if certain requirements are met, including requirements relating to ownership of the cooperative on January 1, 1980

This bill would change requirements for that exemption from the Subdivision Map Act to include requirements relating to the ownership of the cooperative on January 1, 1981, instead of January 1, 1980

The bill would take effect immediately as an urgency statute.

Ch 1289 (AB 2193) Goggin Special events 1984 Olympic games· commemorative vehicle license plates.

(1) Under existing law, the Department of Motor Vehicles may issue, for specified fees, environmental license plates and former prisoner-of-war license plates, which fees are intended to provide revenue for the California Environmental License Plate Fund and, by transfer from that fund, to a specified veterans' home post fund.

This bill would expressly require revenue from those fees to be deposited in the California Environmental License Plate Fund

(2) The bill would also permit the department to issue, until December 31, 1984, commemorative 1984 Olympic reflectorized license plates, using reflectorized material manufactured under a contract awarded by the Office of Procurement of the Department of General Services pursuant to a specified bidding procedure, in a special series and in requested letter and number designation, and the bill would prescribe fees and related matters for the issuance, duplication until December 31, 1989, replacement, and renewal of those plates. The bill would require the Controller to transfer, until January 1, 1985, all revenue derived from the issuance of the commemorative special license plates, less specified costs of the Department of Motor Vehicles, from the California Environmental License Plate Fund to the Olympic Reflectorized License Plate Account, which would be created by the bill in the State Transportation Fund, for expenditure upon appropriation by the Legislature for the purpose of providing security, traffic control, and law enforcement in relation to the 1984 Olympic games, to promote tourism in conjunction with, before, and after those games, to pay administrative costs of the Controller, and for the purposes and capital outlay uses of the California Environmental Protection Program The bill would require the Controller to transfer the unencumbered balance in the Olympic Reflectorized License Plate Account on December 31, 1984, to the Environmental License Plate Fund for use only for capital outlay purposes, and the bill would repeal the provisions creating the account on January 1, 1985

(3) The bill would require the Controller to transfer $446,000 from the Motor Vehicle Account in the State Transportation Fund to the Olympic Reflectorized License Plate Account as a loan

(4) The bill would appropriate $96,000 from the Olympic Reflectorized License Plate Account to the Department of Motor Vehicles for issuing the commemorative 1984 Olympic reflectorized license plates

(5) The bill would appropriate $200,000 from the Olympic Reflectorized License Plate Account to the Office of Tourism for promotion of tourism in conjunction with, before, and after the 1984 Olympic games and for promotion of the sale of the commemorative 1984 Olympic reflectorized license plates

(6) The bill would appropriate $150,000 from the Olympic Reflectorized License Plate Account to the Controller for administration costs The bill would require the Controller's approval before expenditure of specified appropriations under the bill The bill would also authorize the Controller to contract for legal services to assist in the administration of the act.

(7) The bill would require the Controller to transfer the first $446,000 accruing to the Olympic Reflectorized License Plate Account from issuance of the commemorative 1984 Olympic reflectorized license plates to the Motor Vehicle Account as repayment of the loan made pursuant to the bill

(8) Twenty-five dollars for each set of commemorative 1984 Olympic reflectorized license plates issued after the above funds are available would be transferred from the Olympic Reflectorized License Plate Account back to the California Environmental License Plate Fund for use only for capital outlay purposes

(9) After the above funds are available, the bill would appropriate, from the moneys deposited in the Olympic Reflectorized License Plate Account, $1,500,000 to the Sheriff of the County of Los Angeles for security, traffic control, and law enforcement in relation to the 1984 Olympic games in Los Angeles and as approved by the Controller

(10) The balance of the amounts accruing to the Olympic Reflectorized License Plate Account would be available for expenditure by state and local public agencies upon appropriation by the Legislature, as specified

(11) The bill would make legislative findings with regard to those provisions

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

Ch. 1290 (AB 966) Isenberg Veterans' Home of California.

(1) Under existing law, upon the death of a veteran who is a member of the Veterans' Home of California, all money and property of the veteran on the premises or in the custody of the home is to be delivered without probate to the spouse, children, grandchildren, father, or mother of the veteran after payment of funeral expenses and any obligation owed to the home. All other money and personal property of the deceased veteran passes to the home in the absence of a spouse, child, grandchild, father, or mother, and a will of a member of the home is valid only insofar as it passes property to one or more of those relatives

This bill would restrict the application of those provisions to veterans who have become members of the home prior to January 1, 1984. As to veterans becoming members of the home on or after that date, the bill would instead direct the home to pay or deliver the money or property of a member on the premises or in the custody of the home on the member's death to the heirs of the member after payment of funeral expenses or any obligation owed the home, which is specified to include the cost of any care rendered by the home in excess of the fees paid by the member to the home, and would specifically make all other money and personal property of the member liable for funeral expenses or any other obligation owed the home By limiting the application of the provision invalidating any provision in a member's will disposing of money or personal property to other than a spouse, child, grandchild, father, or mother to veterans becoming members of the home prior to January 1, 1984, it would thereby provide, with respect to veterans becoming members on or after that date, that only in the absence of heirs or a will would a member's money or personal property located outside the home pass to the home upon a member's death The bill would provide, with respect to a veteran becoming a member on or after January 1, 1984, that any provision in the member's will leaving anything to any officer or employee of the home who is not eligible to take by intestate succession is void It would also require the manager of the home to provide to the heirs or devisees of every deceased veteran who became a member on or after January 1, 1984, a statement or accounting of all charges made against the member's money or personal property under these provisions, and would require that every veteran applying for membership on or after that date be furnished a written explanation of these limitations and restrictions on the right to dispose of money and personal property

(2) ACR 43, adopted as Resolution Chapter 93, Statutes of 1983, requests the Department of Veterans Affairs to study the feasibility of establishing a second Veterans' Home of California to be located in southern California and to report thereon to the Legislature on or before January 1, 1985

This bill would appropriate $40,000 for expenditure for purposes of the study and report requested of the department by ACR 43, and would state the intent of the Legislature in enacting these provisions

Ch 1291 (AB 1531) Agnos. Civil service job vacancies.

The California Constitution and statutory provisions require the State Personnel Board to prescribe classes of positions in state civil service

This bill would provide that any person receiving state public assistance under the Aid to Families with Dependen Children program shall receive priority consideration, as defined, for any civil service position described as "seasonal class" by the State Personnel Board which does not require an examination

This bill would require a state agency that intends to establish a hiring pool, as defined by the State Personnel Board, for seasonal class employees, to notify the Employment Development Department or its delegate in the area where the opening is expected to occur and to request referrals of public assistance recipients It would provide that if no such recipient applies for a opening the state agency may fill the opening with a person who is not receiving public assistance It would provide that application for work in a seasonal class opening by a public assistance recipient shall be voluntary only

This bill would provide that its provisions may be waived by the Governor, if requested by the state agency involved, in order to address an emergency which threatens the public health or safety or the state's natural resources or economy, and would require

the State Personnel Board to report to the Legislature by January 30 of each year on state agency hiring of seasonal class employees, as specified

This bill would provide that the Department of Employment Development seek federal waivers if necessary and if necessary waivers are not granted by March 1, 1984, this bill, on that date, shall be repealed

This bill would provide that seasonal classifications, as specified, shall be exempt from the provisions of the bill.

This bill would provide that the date for compliance with notice and referral provisions be January 1, 1984.

This bill would take effect immediately as an urgency statute

Ch 1292 (AB 2108) Wright. Peace officers: security departments

Under existing law, school districts are authorized to establish a security department or a police department under the supervision of a designated official

This bill, while allowing the school districts the choice between a security department or police department, would specify that security departments be under the supervision of a chief of security and that police departments be under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district.

Existing law, contained in the Education Code, declares that members of a police department of a school district are peace officers within the meaning of a specified Penal Code provision, but only for the purpose of carrying out the duties of their employment

Existing law, contained in the Penal Code, designates certain persons as peace officers while they are engaged in the performance of their duties in and about the properties owned by their employing agency and, in certain instances, in other parts of the state One group of persons so designated are members of a security department of a school district.

This bill would change the Education Code provision to specify that members of a police department of a school district are peace officers only for the purpose of carrying out the duties of their employment pursuant to a specified statutory provision of the Penal Code. Further, the bill would designate as peace officers for purposes of the Penal Code provision members of a police department of a school district, rather than members of a security department of a school district.

This bill would also substitute school district police departments for school district security departments in provisions of the code relating to punishments for assaults on peace officers

Existing law defines an "authorized emergency vehicle" to include any publicly owned vehicle operated by any federal, state, or local agency or department employing peace officers This bill would include districts among such agencies

Under existing law, except for persons with permission from the school authorities and certain other persons, anyone bringing or possessing a firearm on the grounds of any public school, the California State University or the University of California is subject to punishment, as specified

This bill would except from the punishment armored vehicle guards, as defined, who are engaged in the performance of their duties The bill would require the persons needing permission to obtain that permission, in writing, from the school district superintendent, or his or her designee, or equivalent school authority, rather than from school authorities, in general

Existing law also requires that money received from fines and violations of the Vehicle Code be deposited in the county treasury and distributed according to certain statutory provisions Existing law also requires that a certain percentage of this money be transferred into the general fund of any school district in the county and that the remainder go to the general fund of the county

This bill would (1) expand the types of violations generating the money, and (2) require that the violators be arrested or notified by school district police officers, instead of security patrol members

This bill would also make other technical changes

Ch 1293 (SB 390) Lockyer. Developmental disabilities.

Under existing laws, any person believed to have a developmental disability is eligible for initial intake and assessment services in the regional center and an individual plan is required for all active cases

This bill would require the State Department of Developmental Services to pay $17,500 from its 1983–84 Budget and the East Bay Regional Center to pay $17,500 of the funds received under its contract with the department in the 1983–84 fiscal year for the cost of needed services for Sharron Tapia

The bill would take effect immediately as an urgency statute.

Ch 1294 (SB 204) Garamendi California State University.

Existing law establishes a Capital Outlay Fund for Public Higher Education

This bill would appropriate $1,283,500 from this fund to the Trustees of the California State University for rehabilitation of the Old Library Building at San Diego State University when $1,283,500 of federal funds are made available for this project.

Ch. 1295 (SB 1117) Petris. Health services.

Under existing law, the State Department of Health Services administers various programs including programs for the health of seasonal agricultural migratory workers, Indian health services, rural health services, including the California Health Services Corps, and grants for clinics

This bill would repeal and recodify these programs The bill would require the department to prepare a statewide plan for providing health services to underserved rural and urban areas and underserved population groups and to consolidate program reports and integrate the plan with other plans The bill would authorize the department to make specified advance and prospective payments for such services, and would require contracting agencies to seek third-party reimbursements for any person served under the agreement

Ch 1296 (AB 779) Robinson Agricultural land

Existing decisional and statutory law, in general, requires that the cancellation of a Williamson Act contract between local government and a landowner be preceded by a finding that the cancellation is consistent with the purposes of the Williamson Act or is in the public interest. With respect to the first finding, the board of supervisors or the city council which is a party to the contract is required to make various specified findings preliminary to making the first finding Those specific findings include, among others: (1) that cancellation of the contract is not likely to result in the removal of adjacent lands from agricultural use, (2) that cancellation of the contract is for an alternative use of the land which is consistent with the city's or county's general plan, and (3) that cancellation of the contract will not result in discontiguous patterns of urban development.

Existing law also provides an alternative method for the cancellation of a Williamson Act contract which is of limited application and limited duration Under that alternative method, the board or council may grant tentative approval for cancellation of a contract if it finds (1) that the cancellation and alternative use will not result in discontiguous patterns of urban development, and (2) that the alternative use is consistent with applicable provisions of the city or county general plan, as specified

This bill would provide that the specific finding contained in (1) of the preceding paragraph authorizes the board or council to cancel a contract if it finds that the alternative use of the land will be rural in character and that the alternative use will result within the foreseeable future in a contiguous pattern of development within the relevant subregion This bill would also provide that the board or council shall not be required to find that the alternative use will be immediately contiguous to like development

This bill would make various specified findings and declarations regarding the provisions of the bill

Ch. 1297 (SB 64) Davis Summary criminal history information

Existing law specifies various persons who may receive state and local summary criminal history information as defined

This bill would state the intent of the Legislature to provide for the security of the Olympic Games in a nondiscriminatory manner, and would include the 1984 Olympic Games Law Enforcement Coordinating Council and its designated representatives within these provisions for the purpose of screening existing and prospective Los Angeles

Olympic Organizing Committee employees, Olympic Games concessionaires and contractors, and their subcontractors, agents, and employees, and any other individuals who require Olympic Games accreditation, as specified

The bill would repeal those provisions on August 31, 1984

Existing law prohibits an employer from requiring an applicant seeking employment to disclose information concerning an arrest or detention which did not result in a conviction, or information concerning a referral to and participation in any pretrial or posttrial diversion program, and further prohibits an employer from seeking from any source whatsoever, or utilizing, as a factor in determining any condition of employment, as prescribed, any record of arrest or detention which did not result in a conviction, or any record regarding a referral to and participation in any pretrial or posttrial diversion program.

This bill would except as specified make these provisions inapplicable to the Los Angeles Olympic Organizing Committee and the Olympic Games Law Enforcement Coordinating Council and its representatives in screening current and prospective Los Angeles Olympic Organizing Committee employees, Olympic Games concessionaires and contractors, and their subcontractors, agents, and employees, and any other individuals who require Olympic accreditation, as specified

The bill would repeal these provisions on August 31, 1984

Violation of either of the provisions in the bill requiring notification of the confidentiality of information and destruction of information after a specified period would be 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

This bill would create a state-mandated local program by creating new crimes

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

Ch 1298 (AB 1430) Wright. Parks and recreation capital outlay projects, state park system concession contracts, and city and county day use fees

(1) Under existing law, counties, cities, and cities and counties owning or leasing property devoted to park, amusement, or recreational purposes are authorized to impose a charge for use or enjoyment of the facilities provided therein, but the fees for day use may not exceed the fees imposed by the Department of Parks and Recreation for the use of similar facilities.

This bill would delete a requirement that the charge be based upon person and vehicle entrance into the areas, but would prohibit any charge exceeding the cost of the service provided. The bill also would delete the restriction of fees for day use to not more than those imposed by the department for the use of similar facilities, except that fees or increases resulting in fees, for the use of property acquired or developed with a local assistance grant of funds from any state park bond act, in excess of 125% fees charged by the department for the use of similar facilities would be required to be reviewed and approved by the Director of Parks and Recreation.

(2) The Budget Act of 1983 appropriates $856,000 to the Department of Parks and Recreation for local assistance park and recreation grants under the Nejedly-Hart State, Urban, and Coastal Park Bond Act Program

This bill would appropriate $274,000 for additional grants for specified projects under that program The bill would also revert an appropriation for a specified grant under that program

(3) The Budget Act of 1982 appropriated, and the Budget Act of 1983 reappropriated, $3,000,000 to the department under the Parklands Acquisition and Development Program for the Fresno Ag Museum development, subject to a proviso that no funds be encumbered unless and until the department has received an equal amount of funds from nonstate sources

This bill would additionally provide that the funds may be allocated and encumbered on a matching basis in incremental amounts as determined by the department

(4) The Budget Act of 1983 appropriates $450,000 from the State Park Contingent

Fund to the department for acquisition of Rancho Raymundo, provided the department enters into an agreement with the Mid-Peninsula Open Space District for the district to operate that property and the Burleigh Murray Ranch as an integrated unit at no cost to the state

This bill would delete that proviso and, add a new proviso that the department and the district enter an agreement to reciprocate in the patrol of specified properties.

(5) Under existing law, the department may enter into contracts with persons, firms, or corporations to construct, maintain, and operate concessions within areas of the state park system No concession contract, including a contract entered into on lands operated by a public agency under an operating agreement with the department, which is expected to involve a total investment or gross receipts over $100,000, may be bid, negotiated, renegotiated, or amended unless the State Park and Recreation Commission and the Legislature or the State Public Works Board has reviewed the concession, as specified

This bill would, until January 1, 1985, exclude concession contracts concerning lands located within the Castaic Lake State Recreation Area and subject to a specified agreement from the provisions requiring review by the Legislature or the board and from certain documentation requirements

(6) Under existing law, the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation has control of the State Vehicular Area and Trail System

This bill would appropriate $475,000 from the Off-Highway Vehicle Fund to the department, $435,000 to be allocated for capital outlay projects at Hungry Valley State Vehicular Recreation Area and $40,000 for a grant to the County of Stanislaus for the Frank Raines off-highway vehicle facility, as specified.

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

Ch. 1299 (AB 75) McAlister. Liability firearms and ammunition.

Existing law generally provides that a person is responsible for his or her willful acts and for injuries caused by his or her want of ordinary care or skill in the management of his or her property or person This bill would specify that, in a products liability action, no firearm or ammunition shall be deemed defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by its potential to cause serious injury, damage, or death when discharged It would also state that it is declaratory of existing law

Ch 1300 (AB 457) Felando Fish and game.

(1) Under existing law, no striped bass may be transported or carried out of or into this state with a specified exception regarding striped bass taken from the Colorado River under a sportfishing license

This bill would additionally provide that shad or striped bass legally taken in another state, which permits the sale of that fish, may be imported into the state under regulations of the Fish and Game Commission, as prescribed

(2) Under existing law, with a specified exception, sardines may not be taken or possessed on any boat, barge, or vessel However, loads or lots of fish may contain a variable percentage based on a specified formula by weight of sardines, incidentally taken and which are mixed with the other fish in the load or lot These sardines may be possessed and used for canning and reduction only

This bill would additionally permit, until January 1, 1985, up to 250 tons of these incidentally taken sardines to be possessed and used for any purpose If 250 tons of these sardines are taken and landed in any calendar year, any additional sardines could be taken and possessed for canning, reduction, or live bait purposes only The bill would also require the Department of Fish and Game to report to the Legislature on the effect of this provision and whether it ought to be extended

(3) Existing law prohibits the capture of any game mammal, game bird, or nongame bird, or the possession or confinement of any live game mammal, game bird, or nongame bird taken from the wild except pursuant to the Fish and Game Code or regulations adopted pursuant to the code

This bill would add nongame mammals and furbearers to the animals which may not be captured, possessed, or confined except pursuant to fish and game laws and regulations

(4) Under existing law, duplicate department vessel registration number plates may be obtained for a fee of $2.

This bill would increase the fee to $12 50.

(5) Existing law specifies that the holder of a drift gill net shark permit is subject to the incidental take restrictions for that type of permit rather than the incidental take restrictions for a gill or trammel net permit.

This bill would delete the specification. The bill would also clarify that the incidental take restrictions regarding the use of gill and trammel nets applies to gill and trammel net permittees.

(6) Existing law prohibits the taking of abalone for commercial purposes except under a permit issued by the department Existing law also prohibits the sale or purchase of any fish, including abalone, taken in the waters of this state under a sport fishing license.

This bill would specifically prohibit any person, including a broker, as defined, from knowingly purchasing any abalone taken illegally or taken under a sport fishing license.

(7) Under existing law, until January 1, 1988, the waters of Soda Springs Lake of the Kern River constitute a fish refuge.

This bill would repeal this provision.

(8) Under existing law, it is unlawful to take or possess more than 500 pounds of crabs on any boat when carrying or operating any type of trawl or drag net.

This bill would reword this prohibition and also prohibit, until January 1, 1986, south of Point Reyes, any person on a vessel on which any type of trawl or drag net is carried or operated from taking or possessing specified crabs or transferring crabs to another vessel, as specified

(9) Under existing law, the maximum punishment for a violation of the laws relating to abalone, and the law prohibiting the purchase or sale of fish or amphibia taken under a sport fishing license, is a fine of $500, six months imprisonment in the county jail, or both the fine and imprisonment

This bill would increase the maximum penalty for the above violators to a fine of $5,000, imprisonment for one year, or both the fine and imprisonment as prescribed.

(10) Under existing law, the business of aquaculture is regulated primarily by the department and the commission

This bill would make numerous changes in that law, including the following.

(a) The regulation of anadromous fish raising by domesticated fish breeders would be repealed and replaced with a system to permit registered aquaculturists to engage in ocean ranching.

(b) The requirement that specified persons selling abalone pay a specified privilege tax would be changed to increase this tax from $0.0063 per pound to $0.0125 per pound.

(c) Registered aquaculturists would be authorized under a prescribed procedure to collect aquatic plants and animals.

(d) Aquaculture disease prevention provisions would be revised and expanded to include prevention and eradication of parasites.

(e) Other technical and nonsubstantive changes

(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.

The bill would impose a state-mandated local program by creating a new crime.

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

Ch 1301 (AB 2159) Johnston. Business and professions. employment agencies: contractors.

Existing law permits an employment agency, which as its sole means of procuring or attempting to procure employment for others uses a computer system, to charge either the prospective employer or employee a nonrefundable fee as its sole compensation for services, provided the contract includes a conspicuous notice of the fee, as specified, and provided the agency satisfies various requirements A violation of any of these provisions is a misdemeanor

This bill would repeal the above provision relating to employment agencies, which as their sole means of procuring or attempting to procure employment for others use a computer system, and would enact in its place detailed provisions relating to the licensure and regulation of prepaid computer employment agencies and job listing services, as defined, as specified. A violation of any of these provisions would be a misdemeanor punishable by a fine of not less than $50 or more than $500 or imprisonment for not more than 60 days, or both.

Existing law requires an employment agency, as a condition of licensure, to deposit with the Bureau of Employment Agencies a surety bond in the penal sum of $3,000.

This bill would, however, require a prepaid computer employment agency or a job listing service to deposit a bond in the sum of $10,000, as specified.

Under existing law, a budget bill is enacted each year to provide for the support of state government.

This bill would amend and supplement the Budget Act of 1983 by amending an item thereof relating to the Contractors' State License Board, as specified, and would make related changes as well.†

The bill would impose a new program or higher level of service upon local government by creating a new crime or revising an existing crime

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 the provisions of the bill relating to contractors shall become operative on January 1, 1984, and that all the other provisions of the bill shall become operative on April 1, 1984.

Ch. 1302 (AB 70) Hughes. Schools· education programs.

(1) Under existing law, school districts may apply to the State Board of Education for a waiver of provisions of the Education Code.

This bill would specifically extend this authorization to county offices of education This bill would permit the State Board to waive, in the 1983–84 fiscal year only, provisions regarding required amounts of instructional time if certain criteria are met.

(2) Under existing law, commencing in the 1984–85 fiscal year, school districts and county superintendents of schools are required to compute a transportation allowance in a specified manner.

This bill would make technical changes in those computations, and would define "approved transportation costs" to include replacement of buses.

(3) Under existing law, school districts and county offices of education receive apportionments based generally on a revenue limit per unit of average daily attendance

This bill would make technical changes in the computation of those apportionments

(4) Under existing law, school districts may operate a mentor teacher program.

This bill would specifically extend this authorization to county offices of education This bill would specify that mentors shall receive a $4,000 stipend for a full school year of service as a mentor, or a pro rata amount for less than a full school year of service as a mentor, and that mentors shall be considered full-time teachers for the purposes of determining administrator teacher ratios.This bill would also require the Superintendent of Public Instruction to allocate at least ⅔ of the total funds appropriated for the teacher mentor program in the 1983–84 fiscal year for teacher stipends, and no more than ⅓ of the total funds appropriated for administrative costs This bill would specify the qualifications for mentors in districts with an average daily attendance of less than 250 pupils.

(5) Under existing law, school districts may receive reimbursement for increasing the salaries of certain certificated employees

This bill would specifically extend these provisions to county offices of education

† Appropriation in Section 8 of chapter reduced to $15,126,000 and Schedule (a) to $15,169,000 by action of the Governor

(6) Under existing law, effective in the 1983–84 school year, pupils in grade 12 are required to be enrolled in at least 5 courses per semester, except as otherwise specified.

This bill would delay implementation of this requirement until the first semester which begins after January 1, 1984, but would provide that prior to that time, if any pupil in grade 12 is enrolled in less than 5 courses per semester, only partial average daily attendance shall be allowed for that pupil's attendance.

(7) Under existing law, school districts which reduce instructional time below the amount fixed for the 1982–83 fiscal year receive reduced apportionments.

This bill would exempt certain school districts from those provisions during all or part of the 1983–84 fiscal year, as specified

(8) Existing law provides in each fiscal year for the so-called urban impact aid to unified school districts which, among other things, had more than 12,022 units of average daily attendance in fiscal year 1975–76 High school districts and their feeder elementary school districts are considered unified school districts for purposes of the urban impact aid

This bill would specify that high school districts and their feeder elementary school districts shall be considered unified school districts for purposes of urban impact aid only in those fiscal years in which funds are specifically allocated for expenditure for the purposes of funding that provision.

(9) This bill would appropriate $500,000† from the General Fund to the State Department of Mental Health for allocation to primary prevention projects for the period from September 1, 1983, through June 30, 1984

(10) This bill would appropriate $720,000† from the General Fund to Section A of the State School Fund for allocation by the Superintendent of Public Instruction for augmentation of apportionments to county offices of education during the 1983–84 fiscal year

(11) The Budget Act of 1983 made various appropriations for special education programs.

This bill would reduce the appropriation for special education programs made by Item 6100-161-001 of the Budget Act of 1983 from $714,880,000 to $712,130,000.

This bill would increase the amount appropriated for staff development by Item 6100-191-001 of the Budget Act of 1983 from $7,858,000 to $10,608,000 and would specify the allocation of those funds

This bill would require the Superintendent of Public Instruction to determine the amount of funds available to the State of California under P.L. 94-142 which were not expended as of June 30, 1983. This bill would reappropriate the first $2,000,000 so determined for augmentation of funding for local entitlements, would reappropriate the next $4,000,000 so determined for funding of the State Master Plan for Special Education, and would reappropriate any additional funds so determined for reallocation for local entitlements.

This bill would also reappropriate certain unexpended federal funds appropriated for special education for reallocation for local entitlements of special education, commencing in the 1984–85 fiscal year.

This bill would also revise specified provisions of the Budget Act of 1983 relating to funding for program specialists and regionalized services and funding of the special education deficiency in the 1982–83 fiscal year

(12) This bill would appropriate $2,200,000†† from the Special Account for Capita Outlay for child care facilities, as specified

(13) The bill would make other related technical changes.

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

Ch. 1303 (SB 707) Montoya. Postsecondary education: California Student Loan Authority amount of outstanding bonds: private postsecondary educational institutions: degrees Student Tuition Recovery Fund

(1) Under existing provisions of the California Student Loan Authority Act, the total amount of bonds authorized to be outstanding at any one time under the act is

† Appropriation in Sections 28 and 29 of chapter eliminated by action of the Governor

†† Appropriation in Section 35 of chapter reduced to $1,100,000 by action of the Governor

$150,000,000. The proceeds of the bonds are deposited in the State Guaranteed Law Reserve Fund, which is a continuously appropriated fund

This bill would increase the authorized total amount of outstanding bonds under the California Student Loan Authority Act to $300,000,000 and would make an appropriation by increasing the amount of funds deposited in a continuously appropriated fund.

(2) Under existing law, private postsecondary educational institutions are prohibited from awarding academic or honorary degrees unless they: (a) are accredited by a recognized accrediting agency, (b) are approved by the Superintendent of Public Instruction upon a determination that an adequate educational program exists; (c) the institution has met standards developed and recommended by the Council for Private Postsecondary Educational Institutions and adopted by the Legislature, or (d) the institution is structured by schools of theology, and awards degrees primarily in theology and other areas of religion, and has filed various specified affidavits with the Superintendent of Public Instruction

This bill would delete (c), and revise (d) to make the option of filing the specified affidavits with the superintendent a generally applicable method of gaining authorization to issue academic or honorary degrees.

This bill would require the Council for Private Postsecondary Educational Institutions, prior to July 1, 1984, to submit recommendations to the Legislature to revise the affidavit requirement

This bill would specify that these provisions shall be deemed to have become operative July 1, 1983, and would require the Superintendent of Public Instruction to take all actions necessary to give effect to that operative date.

This bill would repeal the provisions described in this item July 1, 1984

(3) Existing law authorizes the Superintendent of Public Instruction to annually assess approved or authorized private postsecondary educational institutions which charge and collect prepaid tuition a charge of 0.1%, not to exceed $2, of tuition paid by each student enrolled in such institutions, and requires the assessments to be paid into the Student Tuition Recovery Fund, which is a continuously appropriated fund.

This bill would require the superintendent to assess each institution which collects any moneys in advance of rendering services 0.1% of the total course cost for each newly enrolled student, in a minimum amount of $1, and a maximum amount of $4, per student. The bill would also require the superintendent to additionally assess an institution ½ of 1% of any amount in excess of $4,000 received by the institution as a prepayment from an individual student. These new assessment rates would become operative upon the date of the first quarterly reporting period following the effective date of this bill

The bill would add provisions establishing penalties for an institution's willful violation of the provisions relating to the assessment.

(4) This bill would require the Superintendent of Public Instruction and the California Postsecondary Education Commission to report to the Legislature by March 30, 1984, on the review and appeals process for certain accredited private postsecondary educational institutions, as specified.

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

Ch. 1304 (SB 1213) Lockyer Child support

Existing law provides that the court may order either, or both, parents to pay child support in any amount necessary for the support, maintenance, and education of the child. In making such a determination, the court must consider various factors, including, but not limited to, each party's earning capacity, needs, age, health, and standard of living, as well as the obligee's ability to engage in gainful employment without interfering with the interests of dependent children in his or her custody.

This bill would require the court, in determining the amount of support in child support proceedings, to additionally consider preserving the adequacy of the award over the length of time the parents are obligated to support any minor child by utilizing an age increase factor in the standard employed for the determination of child support. The Judicial Council would be required to develop a formula for the determination of that factor for the use of the courts. The bill would also revise the above stated criteria with regard to the obligee's ability to engage in gainful employment to recast the consideration to be one of the obligee's ability to be employed without unduly interfering with the interests of dependent children in his or her custody

The bill also would delineate an additional procedure, as specified, for a request to modify an order awarding child support, under which no attorney or person other than the moving or responding party may generally take part in the proceedings. These provisions would not be operative if AB 1528 is enacted and becomes effective on January 1, 1984

It also would specify that a court possesses the authority to approve a stipulated agreement for the payment of child support for the support of adult children who are unable to provide for their own support or for continuation of child support after a child attains the age of 18

The bill also would provide that the combined child support and spousal support agreements known under existing law as family support are enforceable in the same manner and to the same extent as a child support order, and would delete a provision of existing law providing that the provisions of an agreement for the support of either party are separate and severable from the provisions of the agreement relating to property, as specified

The bill would also provide that its provisions shall become operative on July 1, 1984.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control 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 127) Marks Local government

(1) Under existing law, the board of supervisors in which the majority of the assessed valuation of certain special districts is located may lend funds to the district.

This bill would delete the requirement that a majority of the assessed valuation of the district be within the county in order for a loan to be made.

(2) Existing law authorizes Sonoma County to appropriate a limited amount of money for the use of certain special districts.

This bill would include among these special districts any county water district located wholly within the county

(3) Under existing law, at least 3 copies of specified codes which are incorporated by reference in an ordinance are required to be kept by the clerk of the legislative body of a local agency, as defined, for at least 15 days prior to a hearing thereon and during the time the ordinance is in force.

This bill would reduce the required number of copies to at least one copy

(4) Under existing law, provision is made for allocating county property tax revenues from a county's Special District Augmentation Fund to various entities of local government

This bill would permit a county to restrict the use of funds allocated to a special district and would authorize a county to retain certain amounts of the fund for costs of administration and up to 1% of the amount in the fund for expenses incurred in the event of an emergency

(5) Under existing law, relating to the allocation of property tax revenues, after a jurisdictional change, local agencies are authorized to negotiate an agreement to exchange property tax revenue.

This bill would authorize the parties to the agreement to renegotiate the agreement, as specified

(6) Under existing law, procedures are established for changes of organization for assessment districts

This bill would provide that, if all of the territory of a district is included within one city, the legislative body of the district may transfer jurisdiction over the district to the city upon mutually agreed upon terms

(7) Under existing law, a statement and map or plat is required to be filed with the State Board of Equalization and the local assessor by January 1 in order for newly formed local jurisdictions to obtain property tax revenues for the fiscal year commencing on the following first day of July

This bill would provide that County Service Areas R-1982-1 and R-1982-2, formed in

Alameda County to provide road improvement services, shall be able to obtain operating funds for the 1983–84 fiscal year if the required statement and map or plat are filed on or before October 1, 1983. By requiring local action with respect to this formation in 1983, this bill constitutes a state-mandated local program.

(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.

(9) This bill would incorporate some of the changes in Section 98.6 of the Revenue and Taxation Code proposed by SB 453 to become operative only if SB 453 is enacted and this bill is enacted last.

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

Ch. 1306 (AB 1061) Agnos. 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 20.75 mills per high gross registered ton. 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 22.50 mills per high gross registered ton. The bill would exclude those amounts received that are attributable to that increase from the percentage of pilotage fees that are required to be paid to the board

(2) Existing law establishes a San Francisco Bay Pilot pension plan and provides that retired or disabled pilots shall receive, as a monthly pension, an amount which is $75 multiplied by the number of years of service Existing law limits the total amount of pension benefits which may be paid out in any year to $300,000.

This bill would increase the $75 amount to $80, and would increase the $300,000 per year limitation to $500,000 per year.

(3) Existing law requires that, notwithstanding any other provision of law, rates for inland pilotage 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.

This bill would increase those rates to 19% more than were in existence under the inland pilot fees schedule effective February 15, 1980.

Ch. 1307 (SB 19) Mello. Housing for older persons.

(1) Under existing law, the Legislature has established the Senior Citizens Shared Housing Pilot Program, which will remain in effect only 2 years from the date of the first pilot project

This bill would repeal the above provisions and enact permanent statutes relating to the Senior Citizens' Shared Housing Program.

The provisions of the new law would be substantially similar to the provisions of the earlier temporary provisions.

(2) Under existing law, ~~the Rental Housing Construction Fund is continuously appropriated for various purposes relating to housing. This bill would, instead, provide that~~* moneys from the ~~fund~~ [Rental Housing Construction Fund which were]* utilized by the California Housing Finance Agency for development costs [and]* which were repaid to the agency or disencumbered between June 30, 1982, and June 30, 1983, and any additional funds and interest which ~~are~~ [were]* available for encumbrance on June 30, 1983, ~~shall~~ [are required to]* be utilized to carry out various programs [enacted by various bills]*, as specified [, including the Senior Citizens' Shared Housing Program which would be created by this bill]*. ~~The bill would also allocate an amount not to exceed $1,000,000 from the fund on and after July 1, 1983, among various programs, as specified. This change in the law will constitute an appropriation.~~ [Existing law requires the agency to reallocate those moneys, as specified, if any of the various specified bills, including this bill, are not chaptered or do not become effective and operative on or

before January 1, 1984, or if the expenditure of funds authorized by any of those bills is reduced.]*

[This bill would enact a similar provision.]*

[(3)]* Existing law provides for the Golden State Senior Citizen Discount Program, to be administered by the Department of Consumer Affairs, for the purpose of encouraging community discount programs for older persons.

This bill would, in augmentation of the Budget Act of 1983, appropriate from the General Fund to the Department of Consumer Affairs the sum of $87,673† for the purposes of that program.

~~(3)~~ [(4)]* This bill would take effect immediately as an urgency statute.

Ch. 1308 (SB 232) Presley. Local coastal programs: reimbursement of costs.

(1) The existing provisions of the California Coastal Act of 1976 provide for reimbursement of costs for the preparation, review, approval, certification, and implementation of local coastal programs under the act. Under existing law, claims for reimbursements are required to be submitted to the executive director of the California Coastal Commission and to be reviewed, by the director, as prescribed, and submitted to the Controller prior to designated dates of each fiscal year.

This bill would revise the dates by which the claims are required to be submitted and reviewed by the director and submitted to the Controller.

(2) The Budget Act of 1983 (Ch. 324, Stats. 1983) appropriated $813,000 to the California Coastal Commission, payable from the Federal Trust Fund, which the Governor reduced, by line item veto, to $31,000. The Governor also reduced, by line item veto, $671,000 from the appropriation to the commission for personal service and for operating expenses and equipment for specified reasons.

This bill would instead, appropriate $1,021,000†† to the commission, to be payable from special federal funds, as specified, which are deposited in the Federal Trust Fund subject to allocations and conditions, as specified, and, upon availability of specified federal funds under the bill, would repeal the appropriation in the Budget Act of 1983 which was reduced by the Governor to $31,000.

The bill would authorize the commission to encumber funds appropriated by the Budget Act of 1983 for the support of the commission and for reimbursement of state-mandated local cost dealing with local coastal plans as local assistance for any supplemental study suggested by the commission as a modification of a local coastal program.

Ch. 1309 (SB 805) Marks. Housing.

(1) 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 such entities extend described assistance for specific purposes.

This bill would provide that the described assistance also includes providing financing

† Appropriation in Section 4 of chapter reduced to $50,000 by action of the Governor

†† I am reducing the appropriation to the California Coastal Commission contained in Section 3 of Senate Bill No. 232 from $1,021,000 to $517,000, and eliminating specified provisions relating to the appropriation This reduction would permit the Coastal Commission to maintain its staff resources at the approved 1983–84 budget level which is sufficient to accomplish its planning and regulatory responsibilities

Specifically, this reducted appropriation of $517,000 will provide the Coastal Commission with $90,000 to pass through to the San Francisco Bay Conservation and Development Commission for continued State Compliance with the Federal Coastal Zone Management Act in the San Francisco Bay Area

Also, to mitigate identifiable costs associated with staff reductions at the Commission while maintaining a staff level consistent with the approved 1983–84 budget for the Commission, I am including $350,000 and eliminating portions of the language in provision 3 of Section 3 of this bill to conform with my reduction. Furthermore, I concur with the remaining language in provision 3 which identifies those high priority local coastal programs for the Counties of Mendocino and San Diego, the Cities of San Diego and Chula Vista and the areas of Big Sur, Malibu-Santa Monica Mountains and Ballona that are most urgent from the standpoint of transferring significant improvements to California's coastal resource management program as required by the Federal Coastal Zone Management Act

Finally, I am eliminating provisions number 1, 4 and 5 contained in Section 3 to conform with my action of reducing this bill's appropriation

I am not changing Section 4 of this bill which clarifies and maximizes the eligible uses of financial assistance to local governments for their local coastal programs nor am I modifying Sections 1 and 2 of this bill

With this reduction, I approve Senate Bill No 232

GEORGE DEUKMEJIAN, Governor

through the issuance of the federal government or state public body debt obligations. The bill would include a housing authority within the definition of "state public body."

(2) Under existing law, a housing authority may assist or develop, rehabilitate, or finance housing projects, including multifamily rental housing under certain circumstances. 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 Finance Agency to issue bonds and to operate a program on behalf of the city or county.

This bill would grant to a housing authority all of these powers and duties of a city or county to engage in the financing of multifamily rental housing under certain circumstances primarily to persons of low income at affordable housing costs as determined by the housing authority. The bill would make various other changes in this area of law.

(3) 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 participating parties, as defined, to finance defined residential rehabilitation in depressed residential areas designated as residential rehabilitation areas and to issue bonds for that purpose. An elective officer of the state or any of its political subdivisions is prohibited from being a participating party.

This bill would also prohibit an employee or member of the agency issuing bonds from being a participating party

Ch. 1310 (SB 1085) Petris. Victims of crime. Indemnification.

Existing law authorizes indemnification by the State Board of Control of victims of crimes of violence, as defined, pursuant to specified procedures.

This bill would make various substantive and technical changes in those provisions. Among other things, this bill would.

(1) Delete the reference to "violent" crimes

(2) Require the board to provide a victim information on the existence and location of local victim centers, as specified.

(3) Require the board to notify the applicant in writing of the reasons for denial of an application for an emergency award.

(4) Require an application that is accepted as fully verified to be processed and, if approved, to be paid by the board within specified time periods, and would authorize a local victim center to verify the claims processed by it.

(5) Prohibit denial of an application merely because no criminal complaint has been filed, except as specified, or because a criminal complaint is dismissed, except as specified.

(6) Require that an application, once accepted, be processed and either awarded or denied in the event of the applicant's death.

(7) Authorize the board to increase, reduce, or terminate periodic award payments.

(8) Repeal a duplicate provision of law relating to decisions of the board

(9) Delete a statement of legislative intent from a provision of law relating to notice of a decision of the board.

Existing provisions of Section 13965 of the Government Code authorize the board to make cash payments to or on behalf of a victim for, among other things, medical expenses, or a loss of wages, up to $10,000. for job retraining up to $3,000, and for attorneys' fees, either on a one-time or on a periodic basis, which payments may be increased to a specified maximum amount if federal funds are available.

This bill would amend Section 13965 of the Government Code, to limit the maximum cash payment to or on behalf of the victim to $23,000 for medical expenses, loss of wages, and job retraining, and to increase the maximum cash payment to $46,000 if federal funds are available. These provisions would become operative only if this bill and AB 1485 are both chaptered, and AB 1485 amends Sections 13967 and 13969 of the Government Code.

Ch. 1311 (AB 964) Stirling. National sea grant program: funding and advisory panel

(1) Under existing law, the State Lands Commission is required to deposit in the State Treasury all revenues, moneys, and remittances, as specified, received by it and to apply those moneys to specified obligations in a specified order. One of those obligations is the distribution of $500,000 for each of the fiscal years 1979–80 to 1983–84, inclusive, for public

and private higher education for use as ⅓ of the local matching share for projects under the National Sea Grant College and Program Act of 1966 During the 1983–84 fiscal year, the Legislature is required to consider recommendations as specified and determine whether or not to continue similar appropriations for subsequent fiscal years.

This bill would extend that appropriation for fiscal years 1984–85 to 1988–89, inclusive, and would provide for the Legislature, during the 1988–89 fiscal year, to consider recommendations and determine whether or not to continue similar appropriations for subsequent fiscal years.

(2) Existing law requires the Secretary of the Resources Agency to appoint an 11-member advisory panel composed of representatives of specified entities, state departments, and industries to perform specified functions relating to the sea grant project program

This bill would increase the membership of the panel from 11 to 13, by adding one Member of the Senate appointed by the Senate Committee on Rules and one Member of the Assembly appointed by the Speaker of the Assembly.

Ch. 1312 (SB 1084) Petris. Centers for victims and witnesses.

Existing law provides for the selection and funding of nonprofit agencies as victim and witness assistance centers by the Office of Criminal Justice Planning, as specified The existing statutes express the intent of the Legislature that on and after January 1, 1983, funding for the continuation of any such center shall be at the election of local governments served thereby.

This bill would repeal the above provisions and instead provide that specified funds from the Indemnity Fund shall be made available through the Office of Criminal Justice Planning to any nonprofit agency for the assistance of victims and witnesses which meets certain requirements, as specified. The bill would provide that if AB 1485 is chaptered that the reference to the Indemnity Fund would be changed to the Victim-Witness Assistance Fund which would be created by the bill and authorized for use for specified purposes.

It also would require the Office of Criminal Justice Planning to submit reports to the Legislature, assessing the effectiveness of the centers that would be established pursuant to the bill and centers established pursuant to existing law, by January 1, 1985

Ch. 1313 (AB 1113) Floyd. State Fire Marshal.

(1) Existing law authorizes the State Fire Marshal to issue and renew licenses for the manufacture, import, export, sale, and use of all fireworks and pyrotechnic devices, prescribes the fees for those licenses, and requires the money collected to be deposited in the General Fund.

This bill would require the State Fire Marshal to establish and collect the original and annual renewal fees for fireworks licenses, as specified. The bill would create the California Fireworks Licensing Fund in the State Treasury and would provide that the moneys in the fund shall be available, upon appropriation by the Legislature, to the State Fire Marshal to carry out the provisions of law relating to fireworks.

(2) Existing law requires the State Fire Marshal to prepare a list of flame-retardant chemicals, flame-retardant fabrics or materials, and flame-retardant application concerns that have been approved by the State Fire Marshal and requires specified concerns who desire to have their names appear on the approved list to apply to the State Fire Marshal and to pay a specified registration fee.

This bill would permit the State Fire Marshal to establish the amount of the registration fee, as specified.

(3) Existing law provides that the State Board of Fire Services shall consist of 15 members, including the Director of Forestry. Chapter 45 of the Statutes of 1983, which will become effective January 1, 1984, will include the Chief of Fire Protection of the Department of Forestry, instead of the Director of Forestry, and will clarify the number of fire service labor representatives.

This bill would increase the size of the board to 17 members and in so doing would increase the number of fire service labor representatives to 6 and would also provide for the appointment to the board of one representative from a fire district, as specified.

Existing law requires the State Board of Fire Services to meet at least bimonthly.

This bill would specify that the board shall meet at least annually.

(4) Existing law requires the State Fire Marshal to prepare listings of construction materials and equipment and methods of construction and of installation of equipment together with the name of the person or organization designated as the manufacturer, representative, or supplier, which are in conformity with building standards relating to fire and panic safety, and requires persons or organizations who desire to be included on that list to apply to the State Fire Marshal and to pay a specified fee.

This bill would require the State Fire Marshal to establish the amount of that fee, as specified.

(5) Existing law prescribes various purposes for the California Fire Service Training and Education Program which is managed by the State Fire Marshal

This bill would make it an additional purpose of that program to develop a coordinated and standardized plan for the control of fires and the safety of firefighters where hazardous materials are involved.

(6) Existing law prescribes various responsibilities of the State Fire Marshal

This bill would additionally require the State Fire Marshal to develop a model plan or system for the control of fires and for the safety of firefighters where hazardous materials are involved and would require the marshal to study the feasibility of a depository of information on hazardous material characteristics for use by local fire departments and other entities that respond to emergencies.

(7) Existing law requires any person engaged in the business of servicing, charging, or testing of any portable fire extinguisher to obtain a license and a certificate of registration from the State Fire Marshal. Existing law prescribes the amount of the original and annual renewal fees for these licenses and certificates of registration.

This bill would require the State Fire Marshal to establish the amount of the original and annual renewal fee for licenses and certificates of registration, as specified.

Ch. 1314 (AB 881) O'Connell. Crimes

(1) Existing law does not make it a criminal offense to possess, be under the influence of, sell, offer to sell, or possess for sale nitrous oxide or any material containing nitrous oxide.

This bill would make it a misdemeanor for any person to possess nitrous oxide or any substance containing nitrous oxide with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or to knowingly and with the intent to do so be under the influence of nitrous oxide or any material containing nitrous oxide. These provisions would not apply to any person who is under the influence of nitrous oxide or any material containing nitrous oxide pursuant to an administration by a licensed dentist or physician and surgeon.

(2) Existing law specifies the violations of the narcotics and drug abuse laws which qualify for diversion.

This bill would add thereto violations of specified provisions prohibiting forged or altered prescriptions for narcotic drugs, or the obtaining of such drugs thereby, in cases where the drug was obtained for personal use and was not sold or furnished to another.

Existing law provides that a record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way which could result in the denial of any employment, benefit, license, or certificate.

This bill would provide that successful completion of diversion for a violation relative to the forging or altering of a prescription for a narcotic drug shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license, and that these provisions shall not be construed to expand or restrict the provisions of current law.

(3) This bill would impose a new program or higher level of service upon local governments by creating new crimes.

(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 1315 (SB 739) Torres. Medi-Cal: selective provider contracts.

Under existing law providers of Medi-Cal services are reimbursed for providing services to eligible recipients.

This bill would provide that until an automated eligibility system is implemented, a hospital shall not be prohibited from receiving reimbursement for Medi-Cal services solely due to the absence of proof of eligibility labels if specified conditions are met.

Existing law permits the California Medical Assistance Commission, at a county's option, to negotiate with any county for the provision of Medi-Cal services to all recipients in the county.

This bill would authorize the Board of Supervisors of San Mateo County to establish a county commission for the purpose of negotiating an exclusive contract for the provision of Medi-Cal services in San Mateo County.

Under existing law, the State Department of Health Services has authority to contract for inspections of health facilities as needed.

This bill would provide that, if SB 367 is enacted during the 1983–84 Regular Session requiring final accreditation reports made by the Joint Commission on the Accreditation of Hospitals to be submitted to the State Department of Health Services if specified conditions are met, these reports shall not be deemed public records for purposes of disclosure.

Existing law provides that the manner of reimbursement to a Medi-Cal hospital contractor be either on a capitation or prepayment basis.

This bill would require the State Department of Health Services to insure that the reimbursement system allows for reimbursement on a capitation or prepayment basis, and is capable of making payments on a per diem and a per case basis.

Existing law defines emergency services to be rendered to Medi-Cal program beneficiaries by noncontract hospitals.

This program would redefine emergency services for this purpose.

Ch. 1316 (SB 307) Petris. Welfare warrants.

Existing law requires a county auditor to issue and deliver a duplicate warrant upon the filing of an affidavit by the owner or custodian of the warrant setting forth the facts concerning the loss of the warrant. A warrant is deemed lost for this purpose if it has been mailed and not received within 20 days, or such shorter period of not less than 7 days established by the board of supervisors.

This bill would specify that a warrant issued for public social services would be deemed lost if it has been mailed and not received within 7 days, or any shorter period of time established by the county board of supervisors or the county welfare 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 impose a state-mandated local program by requiring that the issuance by counties of duplicate warrants be performed in a shorter period of time.

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. 1317 (AB 1869) Farr. Corporations.

Under existing law, the articles of incorporation which set forth, among other things, the name of the corporation, are required to be filed with the Secretary of State in order to perfect the formation of a corporation

This bill would provide that the filing of the articles of incorporation shall not of itself authorize the use in this state of a corporate name in violation of the rights of another under state or federal trademark laws, state fictitious business name laws, or the common law, including rights in a trade name. The bill would require the Secretary of State to deliver a notice to this effect to each newly organized corporation.

Ch. 1318 (AB 971) Elder. State employees

(1) Existing law governing personnel administration for state employees provides for compensation, classification, uniform and equipment allowances, working hours, holidays, and vacation and sick leave benefits, among other things, for state employees generally. Existing law also requires the Trustees of the California State University to provide by rule for the government of their appointees and employees, including specified items, notwithstanding any other provisions of law. These matters are generally the subject of negotiation between the state and employee organizations representing state civil service employees, and between the trustees and employee organizations representing employees of the California State University.

This bill would require the trustees, notwithstanding any other provision of law, for the 1983–84 fiscal year, to provide by rule for employer contributions to health benefits for employees, annuitants, or survivors of employees or annuitants of the California State University.

(2) Existing law provides basic and related major medical plans for state officers and employees and requires that state contributions shall be adjusted by the Legislature in the annual Budget Act based on specified principles. Existing law prescribes that if the provisions of existing law are in conflict with the provisions of the memorandum of understanding reached pursuant to specified provisions of existing law governing public employer-employee relations, the memorandum of understanding shall be controlling without further legislative action, with specified exceptions.

This bill would specify that the provisions of a memorandum of understanding reached under the provisions of the Higher Education Employer-Employee Relations Act shall be controlling over conflicting provisions of existing law governing state contributions for basic and related major medical plans without further legislative action, except as otherwise prescribed.

(3) 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 either all permanent full-time employees or those permanent full-time employees most likely to be affected by the personnel reduction to determine the extent of the employees' desire to participate in voluntary reduced worktime.

This bill would provide in addition to the above existing law, that the Department of Personnel Administration shall submit a yearly report to the Legislature on February 1 outlining the degree to which each department's reduced worktime program has lessened the need for a reduction of personnel, as specified, in the current and prior fiscal years.

(4) The Public Employees' Retirement Law presently prescribes various service retirement benefit formulas, contribution rates, and other related provisions, for various membership categories.

This bill would: provide a 2½%-at-age-55 service retirement formula, as specified, for certain state safety members who are represented in State Bargaining Units Nos. 6, 7, and 8; authorize application thereof to related supervisory classes for the respective bargaining units; require separate actuarial computations for members in each unit, make these provisions operative only if a specified memorandum of understanding is reached which specifically agrees hereto and which is approved by the Legislature pursuant to law; provide that notwithstanding the foregoing provisions, they shall not become operative, as specified, unless and until the effective date of a subsequent statute in which the Legislature establishes the related employer and employee contribution rates; and reserve to the Legislature specified rights regarding subsequent legislation to completely effectuate the foregoing intent and purposes without providing new comparable advantages if disadvantages to employees result therefrom

(5) This section would incorporate additional changes in Section 3572.5 of the Gov-

ernment Code, proposed by SB 183, to be operative only if both bills are enacted and become effective on January 1, 1984, each bill amends Section 3572.5 of the Government Code, and this bill is chaptered last.

Ch 1319 (AB 83) Young. Weighmasters' records.

Existing law requires public and private weighmasters to keep copies of certificates of weighings made by them for 4 years. Existing law requires that these records be open to inspection by the Director of Food and Agriculture at all times.

This bill would make all weighmasters' vehicle weight certificates issued on or after January 1, 1984, and other records of vehicle weight relating to those certificates, kept by them, and copies of those certificates and records, available for inspection by a district attorney, and would make all of them subject to legal process for admission in any criminal or civil proceeding arising out of a weight violation under the Vehicle Code.

This bill would also make all weighmasters' vehicle weight certificates, records, or copies thereof, issued before January 1, 1984, not available for inspection and not admissible in any criminal or civil proceeding arising out of a weight violation of the Vehicle Code.

Ch. 1320 (SB 693) Campbell Orange County Transportation Commission sales taxes.

(1) Under existing law, certain transit districts are authorized to impose retail transactions and use taxes under the Transactions and Use Tax Law

This bill would authorize the Orange County Transportation Commission to impose a retail transactions and use tax under that law, if submitted to the electors before December 31, 1985, at a maximum rate of 1% for public transportation purposes, as specified, if a majority of the electors voting approve and if the commission, subject to specified conditions, adopts a specified expenditure plan.

The bill would also authorize the commission to issue revenue bonds secured by those taxes, to refund those bonds with refunding bonds, and to issue bond anticipation notes The bill would also provide for amendment to the expenditure plan, reports on implementation, and related matters.

The bill would become operative only if AB 465 is enacted and becomes operative, in which case the bill would become operative on the operative date of AB 465.

(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 impose a state-mandated local program by requiring Orange County to conduct special elections called by the Orange County Transportation Commission

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

Ch 1321 (SB 1030) Boatwright Sales and use taxes. gasohol

Existing California Sales and Use Tax Law imposes a sales or use tax on the sale or use of tangible personal property in this state, unless such sale or use is exempted from such tax. The law provides a limited exemption from sales and use taxes, until January 1, 1984, on the sales or use of gasohol, as defined

This bill would extend the period for this limited exemption until January 1, 1987. It would require reimbursement of the General Fund from the Energy Resources Program Account for the state revenue loss incurred as a result of the bill through June 30, 1984 It would also require that, after that date, the Transportation, Planning, and Development Account, be fully reimbursed for any revenue loss caused as a result of the bill. In the event full reimbursement is not made, or alternate funding for the bill is not provided in the Budget Act without resulting in a revenue loss to the Transportation, Planning, and Development Account, on or before June 30, 1984, Section 6357.5 of the Revenue and Taxation Code would become inoperative on that date The bill would require that any outstanding claims for exemption existing on or before that date be paid pursuant to Section 6357 5 of the Revenue and Taxation Code

Under existing law, 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 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, but its operative date would depend on its effective date.

Ch. 1322 (SB 1238) Watson. Public improvements: Southern California Rapid Transit District: benefit assessments.

(1) Chapter 497 of the Statutes of 1983 defines "transit facilities," as specified, for purposes of the Southern California Rapid Transit District Law.

This bill would, instead, define "transit facilities" only for the purposes of the provision of that law relating to the authorization for the Southern California Rapid Transit District to enter into agreements for the joint use or joint development of property or rights, as specified. The bill would also define "nontransit facilities" for those purposes

(2) Under that existing law, the district may exercise the right of eminent domain within the district to take any property necessary or convenient to the exercise of the powers of the district. Chapter 497 of the Statutes of 1983 added to the property that may be taken that property incidental to the exercise of the powers of the district. Existing law also restricts taking by the district of property of a railroad corporation, as defined, unless the Public Utilities Commission makes specified findings and determinations

This bill would delete that restriction on taking of property of a railroad corporation.

(3) Under that existing law, the district may issue bonds upon approval of 60% of the qualified electors voting, not to exceed 15% of the assessed value of property in the district, and to issue revenue bonds pursuant to the Revenue Bond Law of 1941, but without election, and to purchase equipment financed by equipment trust certificates. The district may also issue interest bearing notes in anticipation of bonds and grants. The district is also authorized to form improvement districts in the district and issue bonds for specified purposes in less than all of the district, and to levy taxes on the property of the improvement district in order to pay the bonds after approval by 60% of the qualified electors voting.

This bill would authorize the district, by ⅔ vote of the members of the board of directors and after specified notice and hearing and approval, after public hearing by the city or county, as specified, in which the proposed benefit district is located, to form special benefit assessment districts and zones therein in the district and to levy special benefit assessments on real property therein for specified purposes, subject to referendum on petition of the owners of at least 25% of the value of the real property within the benefit district and subject to the approval, amendment, or disapproval of the city or county. The benefit assessments would be based on the parcel area and on the structural floor area, as specified, as deemed appropriate by the board, at rates sufficient, with other funds, to pay the bond principal and interest. The assessment would be required to reflect the benefit received by the property assessed, but would exempt common carrier rights-of way from assessment. An assessment for financing of a facility would be required to be used only for financing of that facility, and the assessment would not be permitted to be used for any other purpose or the payment of any other district expenses.

The bill would permit the district board, after notice and hearing, to change the purpose, cost, amount of debt, and boundaries of the special benefit assessment districts or zones except that territory not benefited may not be included.

The bill would impose a state-mandated local program by requiring the county within which the special benefit assessment district is located to levy and collect the special benefit assessments, deduct its expenses, and transmit the balance to the district. The bill would also impose a state-mandated local program by requiring the county to conduct a special election under specified circumstances under the bill, and would require the district to pay the county for costs it incurs in the election

The bill would make legislative findings and declarations relating to the benefit districts, including declaring the district board is the conclusive judge of the benefits

produced by the facilities with respect to assessments

(4) Under the Improvement Act of 1911, local public agencies may assess for and construct improvements for benefit of the people in the agency. The agency may install or operate works, systems, or facilities for the transportation of people, designed to serve an area not to exceed 3 square miles The agency may do all other work auxiliary to the transportation of people and that required for loading of people or auxiliary to those purposes which may be required to carry them out. The agency may also, under the act, acquire property easements and rights-of-way which may be required to carry out the purposes of the project

This bill would delete the requirement that the design be to serve an area not to exceed 3 square miles and would, instead, authorize the agency to do all other work auxiliary or incidental to the transportation of people and that which is necessary, incidental, or convenient to loading of people and auxiliary or incidental to those purposes which may be necessary, incidental, or convenient for carrying them out The bill would also authorize the agency, instead, to install, acquire, construct, develop, jointly develop, maintain, dispose of, or operate any property, easements, rights-of-way, or other rights or interests and works, systems, or facilities necessary for, incidental to, or convenient for, carrying out the project.

(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. 1323 (SB 1260) Robbins. Tax credits.

Under the existing Personal Income Tax Law and the existing Bank and Corporation Tax Law, tax credits are allowed for certain transactions

This bill would allow under those laws a tax credit of a specified amount to a taxpayer who purchases a new passenger automobile, certain new trucks, or a new motorcycle during a specified period of time in which the rate on the state sales and use taxes is increased, if the eligible motor vehicle is manufactured or assembled, as specified, and sold in this state

This bill would incorporate changes in Section 17061.3 of the Revenue and Taxation Code proposed by other sections added by AB 36, to be effective only if AB 36 and this bill are chaptered and this bill is chaptered last

This bill would take effect immediately as a tax levy

Ch. 1324 (AB 322) Costa Fiscal affairs

(1) The existing Community Redevelopment Law defines a project area as an area of a community which is blighted and defines blighted areas as those which are characterized by one or more of several specified conditions which cause a reduction or lack of proper utilization of an area to such an extent that it constitutes a serious physical, social, or economic burden on the community that cannot reasonably be expected to be reversed or alleviated by private industry acting alone.

This bill would generally alter the emphasis of the existing Community Redevelopment Law by redefining the term "project area" to mean a predominantly urbanized area, as defined, of a community which is a blighted area

The existing Community Redevelopment Law permits a redevelopment agency to pay to any taxing agency with territory located within a project area, with a specified exception, any amount of money which the agency determines is appropriate to alleviate any financial burden caused that agency by a redevelopment project

This bill would limit those payments in any single year to an amount not to exceed the amount of property tax revenues which would have been received by that taxing agency if all the property tax revenues from the project area had been allocated to all the affected taxing agencies without regard to any division of taxes pursuant to a specified provision, except that the bill would permit a greater payment to be established by agreement between the agency and one or more taxing agencies, except school districts, under specified circumstances

(2) Under existing subdivision (b) of Section 1 of Article XIII A of the California Constitution and existing statutory provisions, entities of local government are allowed to impose property taxes in addition to the 1% maximum to pay the interest and redemption charges on indebtedness approved by the voters prior to July 1, 1978. However, the case of Carman v. Alvord, 31 Cal 3d 318, construed "indebtedness" differently than some entities of local government had done, and Chapter 491 of the Statutes of 1983 was enacted as an urgency statute to require, among other things, that entities of local government restrict their property tax rates to pay for certain indebtedness for the 1983–84 and 1984–85 fiscal years

This bill would provide that the restrictions on property taxes to pay certain indebtedness shall not apply to taxes levied to pay specified obligations relating to water contracts with the State of California or the United States. It would provide that any metropolitan water district, as defined, may increase its property tax rates, as specified, to make payments to the State of California under contracts entered into pursuant to the California Water Resources Development Bond Act, only if the increased levy was enacted by the board of directors on or before August 31, 1983. It would provide that any metropolitan water district, as defined, not impose a property tax rate for fiscal years 1984–85 and 1985–86 which is in excess of the rate imposed in fiscal year 1982–83, unless 80% of the board of directors makes a specified finding and approves the rate increase.

It would require metropolitan water districts, as defined, to make a specified report to the Legislature, this creating a state-mandated local program

(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 take effect immediately as an urgency statute.

Ch. 1325 (AB 1343) N. Waters. Parks and recreation. City of Folsom.

Under the Nejedly-Hart State, Urban, and Coastal Park Bond Act of 1976, local assistance grants may be made for the acquisition and development of real property for park and recreation purposes.

This bill would amend and supplement the Budget Act of 1983 to appropriate $96,000 from the State, Urban, and Coastal Park Fund to the Department of Parks and Recreation for a grant to the City of Folsom for the 1983–84 fiscal year for the development of the Folsom Recreation Center.

The bill would require the Secretary of the Resources Agency to consider the Folsom Recreation Center project in the secretary's review of priority projects for bond act funding and would declare legislative intent regarding the funding of a grant for that project. The bill would make those provisions inoperative on June 30, 1987, and would repeal them as of January 1, 1988.

Ch. 1326 (AB 1446) Filante. Dam safety regulation.

Existing law provides for the regulation and supervision by the Department of Water Resources of dams and reservoirs, as defined. Existing law excludes from the definition of a dam for those purposes, among other things, a barrier which is not across a stream channel, watercourse, or natural drainage area and which has the principal purpose of impounding water for use as a sewage sludge drying facility.

This bill would exclude from the requirements for state regulation and supervision of safety of dams, any wastewater treatment and storage pond constructed as a part of a regional wastewater control facility within Sonoma County, having a maximum height of 15 feet or less and a maximum storage capacity of 1,500 acre-feet or less, subject to adoption by the governing body of the entity operating the facility of a specified resolution. The bill would make declarations as to the necessity for the bill

Ch 1327 (AB 2074) Farr California Public Broadcasting Task Force Information technology

Existing law provides for the California Public Broadcasting Commission for the purpose of encouraging the growth and development of public broadcasting programming

This bill would create the California Public Broadcasting Task Force, consisting of 19 members to be appointed by the Governor, the President pro Tempore of the Senate, the Speaker of the Assembly, and the California Public Broadcasting Commission, as specified, to study and recommend policy, programs, and legislation for the continued support of public broadcasting based upon the assessment of specified proposals The task force would be required to submit its report to the Legislature by April 1, 1984

Existing law provides that the Director of Finance is the state's advocate in the exploration of information technology The director is required to adopt and publish in the State Administrative Manual, policies and guidelines to carry out electronic data processing, budgeting and control of expenditure responsibilities

This bill would repeal the provisions specified above

Existing law further provides for the Equipment Management Revolving Fund, in the State Treasury, which is continuously appropriated, for loans for the purchase of leased electronic data-processing equipment, as specified

This bill would revise existing law relating to the Office of Information Technology It would provide for a director, appointed by, and to serve at the pleasure of, the Governor, and who would report directly to the Director of Finance It would specify the duties of the director It would also transfer the Equipment Management Revolving Fund to the office. However, it would delete the continuous appropriation

The bill would further provide that the office shall be staffed by consolidating the existing State Office of Information Technology and the nonoperational part of the Communications Division of the Department of General Services and would express the intent of the Legislature regarding resources for support of the office

This bill would also provide for various reports by the Office of Information Technology to the Legislature as specified

DIGESTS OF STATUTES ENACTED IN 1983

1983–84 FIRST EXTRAORDINARY SESSION

BILL CHAPTERS

Ch. 1 (SB 4) Mello. Services for older persons: appropriations: nutrition.

This bill would transfer, on the operative date of the bill, an amount not to exceed $2,900,000 from the unencumbered balances of various appropriations made in the Budget Act of 1982, the Budget Act of 1981, the Budget Act of 1980, and Chapter 1020 of the Statutes of 1980 to the local assistance funding of the Department of Aging under the Budget Act of 1982, where it would be available for senior nutrition and supportive services programs.

The bill would also transfer for the use of these nutrition programs on April 1, 1983, the unencumbered balance from Item 4170-001-001, Budget Act of 1982-Department of Aging--support.

This bill would appropriate $85,000 without regard to fiscal years from the funds so transferred to a pilot project operated by a city selected by the Department of Aging under specified criteria, and require the department to report to the Legislature and the Governor on the progress of the project

This bill would take effect immediately as an urgency statute.

Ch. 2 (SB 17) Alquist. State Controller: appropriation.

This bill would appropriate $1,125,000 from the General Fund to the State Controller, for allocation by the Department of Finance, in augmentation of Item 0840-001-001 of the Budget Act of 1982, for payment of the Controller's expenses incurred in connection with the sale on November 18, 1982, of interest-bearing registered reimbursement warrants.

This bill would take effect immediately as an urgency statute.

Ch. 3 (SB 16) L. Greene. Schools: Superintendent of Public Instruction: deputies and associates.

Existing law authorizes the Superintendent of Public Instruction to fix the duties and annual salaries of the Deputy Superintendent of Public Instruction and the associate superintendents of public instruction who are exempted from the state civil service and appointed in accordance with existing provisions of the State Constitution.

This bill would specify that in addition to these exempted positions, the Governor, with the recommendation of the superintendent, shall appoint 3 additional deputy superintendents of public instruction and 3 additional associate superintendents of public instruction

This bill would specify that these appointments shall not increase the net expenditures of the State Department of Education.

This bill would specify that the number of deputy superintendents of public instruction and associate superintendents of public instruction appointed shall not exceed the number of positions allocated in the 1982–83 General Fund budget.

Ch. 4 (AB 3) Harris. Community Services Block Grant

(1) Under existing law, the State Office of Economic Opportunity in the Governor's office performs various functions under the federal Economic Opportunity Program.

This bill would enact the California Community Services Block Grant Program to be administered by the office which would assume the responsibility for implementing the federal Community Services Block Grant, including the community action programs, migrant and seasonal farmworker programs, American Indian programs, and training, technical assistance, and special support 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 impose a state-mandated local program by requiring local public entities to undertake various activities, such as public hearings, planning, and administration, to carry out the program set forth in the bill

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 be repealed January 1, 1988, or when the Director

of Finance finds that the federal Community Services Block Grant funding to the state has been terminated and files a report of that finding with each house of the Legislature, whichever is earlier, unless a later enacted statute, which is chaptered before the earlier of the two dates, deletes or extends such date

Ch. 5 (SB 13) Dills. Governmental agencies.

(1) Existing law provides that the State Teachers' Retirement System is managed by the Teachers' Retirement Board and prescribes the composition of the board.

This bill would substitute the Treasurer for the Director of Finance on the board.

(2) Existing law confers administrative control over the Public Employees' Retirement System upon an 11-member Board of Administration and prescribes the composition of the board.

This bill would delete the Director of Finance and a member who is an officer of a bank, and would add the Director of the Department of Personnel Administration, the State Controller, and the State Treasurer as members. It would increase the members elected by the system from five to six Effective January 16, 1984, the bill would also delete the public member appointed by the Governor and substitute a public member appointed jointly by the Speaker of the Assembly and the Senate Rules Committee.

Ch 6 (AB 2) as amended, Alatorre Elections.

Existing law prescribes a procedure which is used to determine the candidate who is entitled to be designated the incumbent candidate at the first election for Congressmen, Assemblymen, and Senators following the enactment of redistricting statutes.

This bill would include elections of candidates seeking office to the Board of Equalization within the above procedure.

The California Constitution directs the Legislature, in the year following the year in which the national decennial census is taken, to adjust the boundary lines of senatorial, Assembly, congressional and Board of Equalization districts

This bill would adjust the boundary lines of all Board of Equalization districts.

It would also provide that the districts specified in the bill would become effective on the effective date of the act and that this provision would be severable in the event that it is held invalid.

Ch. 7 (AB 11) M. Waters Courts: Los Angeles County.

Existing law specifies the compensation of superior court personnel in Los Angeles County

This bill would revise the number, compensation and class of superior court personnel in Los Angeles County. The bill would impose a state-mandated local program because the county would be required to pay for the revised compensation provided for 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.

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

Ch. 8 (SB 3) Boatwright. Redistricting

(1) The California Constitution directs the Legislature, in the year following the year in which the national decennial census is taken, to adjust the boundary lines of senatorial, Assembly, congressional, and Board of Equalization districts. As the result of litigation and the success of certain referenda, the California Supreme Court has ordered the Legislature to adopt new redistricting plans following the 1982 elections.

This bill would repeal the existing statutorily created boundary lines and would establish new boundary lines for senatorial and Assembly districts.

(2) Existing law does not expressly provide that maps describing the boundaries of congressional, legislative, and Board of Equalization districts which have been prepared by the Legislature or a committee of the Legislature be deposited with the Secretary of State

This bill would provide for the deposit of these maps with the Secretary of State.

(3) Current law does not require that each house of the Legislature be a proper party and have the right to intervene in any action involving the validity or application of any statute which provides for changes in the boundaries of any legislative districts of members of that particular house.

This bill would provide this requirement

(4) This bill would also state legislative intent regarding the enactment of this act.

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

Ch. 9 (AB 22) Mountjoy Private postsecondary education

Existing law generally 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 specified

The superintendent approves or authorizes institutions which meet one of specified criteria, including being accredited, approved, or licensed as a school by a state board or agency On and after January 1, 1983, this requirement will also be met by persons or schools certified for flight instruction by the Federal Aviation Agency.

Existing law specifies the contents of an application to the superintendent for institutions desiring to operate in this state, but institutions which meet the above requirement are exempted from the duty to file certain information and from certain provisions regarding changes in ownership On and after January 1, 1983, these exemptions will no longer apply to institutions which meet the requirements for approval or authorization as specified above However, on and after January 1, 1983, FAA-approved flight instructors and schools will be required to submit specified information.

This bill would reinstate the general exemption for those institutions except for institutions and persons that are approved by the Federal Aviation Agency which offer flight education and instruction, as specified

This bill would take effect immediately as an urgency statute

Ch 10 (AB 28) Robinson Fiscal affairs

(1) This bill would state that the purpose of the bill is to enact legislation to reflect an agreement between the Legislature and the Governor to achieve specified objectives.

(2) Existing law requires the Governor to annually submit to the Legislature a budget for the ensuing fiscal year, containing itemized statements for recommended state expenditures and estimated state revenues

This bill would provide that the annual Budget Act shall not provide for projected expenditures in excess of projected revenues It would also state that it is the intention of the Legislature that in the event, after enactment of the Budget Act, revised estimates of expected revenues or expenditures, or both, show that expenditures will exceed estimated revenues, expenditures should be reduced or revenues increased, or both, to ensure that actual expenditures do not exceed actual revenues for that fiscal year.

These provisions would become operative on July 1, 1983

(3) Existing law permits various methods of temporary borrowing by the state.

This bill would in addition allow, until June 30, 1985, temporary borrowing by the issuance of notes or other short-term instruments authorized by the Pooled Money Investment Board upon written request of the Governor Any note issued would be a general obligation of the state, and payments of principal and interest would be pledged from money in the General Fund The notes would be legal investments and limited to 10% of General Fund revenues as set forth in the annual report of the Controller to the Governor, as specified

This bill would also appropriate any unapplied money, as defined, which is necessary to repay any notes issued as well as the interest and the cost of issuing the notes

The above provisions would remain in effect only until June 30, 1985, and on that date would be repealed

This bill would also authorize the Controller, under specified circumstances, to draw demands against legislative appropriations from the General Fund which are required to be paid in the then current fiscal year, and to deliver them to the Treasurer It would require the Treasurer to register the demands for nonpayment and to notify the Control-

ler, who could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands

This bill would limit the amount of notes issuable to 10% of General Fund revenues as set forth in the annual report of the Controller to the Governor, as specified, and would make the notes legal investments. An exception to the limitation could be provided if the Legislature passes a statute by a ⅔ vote of each house

This bill would appropriate any unapplied money, as defined, in any amounts necessary to pay the principal and interest of any State of California notes which have been issued It would also appropriate, without regard to fiscal years, $1,000,000 which would be required to be deposited in a special revolving fund to pay the costs associated with the issuance and sale of the notes

The above provisions would remain in effect only until June 30, 1985, and on that date would be repealed

The bill would also express legislative intention to satisfy the constitutional requirements for the issuance of these notes, as set forth in California Supreme Court cases on registered warrants

(4) Existing law provides for the allocation of specified funds to local agencies

To the extent funds are available for the 1982–83 fiscal year, this bill would reduce, pursuant to a specified formula, the amount which would otherwise be allocated to cities and counties and would require the Controller to withhold all payments of local assistance funds, as defined, to each city and each county until the amount withheld equals the reductions. The bill would transfer the funds so withheld to the unappropriated surplus of the General Fund

(5) Under various existing state tax programs, the rate of interest paid on underpayments, overpayments, deficiencies, and other delinquent payments is an adjusted rate to be determined annually on the basis of the adjusted prime rate charged by banks during the month of September each year

This bill would require the Franchise Tax Board to redetermine that rate twice a year and would specify that for the period beginning March 1, 1983, that rate shall be 16% per annum The rates would be determined on the basis of the average adjusted prime rate charged by commercial banks during the 6-month period ending September 30 (effective January 1 of the next calendar year) and March 31 (effective July 1 of the same calendar year) It also would provide that with respect to interest accruing after June 30, 1983, all interest, with limited exceptions, payable to or by the state for purposes of the Sales and Use Tax Law, the Personal Income Tax Law, and the Bank and Corporation Tax Law is required to be compounded daily

(6) Under the existing Bank and Corporation Tax Law, specific provision is made for prepayment of estimated tax

This bill would revise various specified provisions of the Bank and Corporation Tax Law to conform them, in part, to certain changes in the federal law made by the Tax Equity and Fiscal Responsibility Act of 1982, relating to the underpayment of estimated tax

(7) 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 It requires 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

This bill would impose a state-mandated local program by requiring the taxes to be withheld to be paid according to revised alternative time schedules which are applicable depending upon whether income tax withheld for a specific period exceeds specified amounts

(8) Existing Sales and Use Tax Law provides for prepayments of sales taxes in accordance with various specified schedules based on varying threshold amounts of estimated monthly tax liability of the persons liable for those prepayments. In each case, the prepayments are required to be not less than 90% of the amount of state and local tax liability for various prescribed portions of a quarterly period

This bill would increase the applicable minimum percentage from 90 to 95 for certain

prepayment provisions.

(9) Existing Sales and Use Tax Law imposes a state sales and use tax at a rate of 4¼% of gross receipts on the sale or use of tangible personal property in the state

This bill would, in specified circumstances, increase for a period of time, as specified, the state sales and use tax rate to 5¾%, would reduce it to 4¾% for a specified period of time, would thereafter reduce it to either 3¾% or 4¼%, as specified, and then would restore it to 4¾% thereafter

(10) Under the existing Bank and Corporation Tax Law, a taxpayer which overpays its estimated tax liability may file an application with the Franchise Tax Board for an adjustment of an overpayment before filing a return for the income year

This bill would repeal the above provision

(11) Existing law allocates state and federal funds to counties for specified social services, including transportation services to and from health facilities, as specified Transportation services were a required county social service only until January 1, 1983.

This bill would provide that transportation services shall be a required social service which must be provided with the state and federal funds allocated to each county

(12) Chapter 322 of the Statutes of 1982 appropriated $193,000,000 to the Secretary of the Business, Transportation and Housing Agency from the Transportation Planning and Development Account in the State Transportation Fund for allocation in specified amounts in the 1982–83 and 1983–84 fiscal years to transportation planning agencies, county transportation commissions, and the San Diego Metropolitan Transit Development Board

This bill would reduce the total amount appropriated for allocation by Chapter 322 to $173,000,000 by reducing the amount specified for allocation in the 1982–83 fiscal year from $90,000,000 to $70,000,000

(13) During the 1982–83 fiscal year, the Controller is required to make periodic transfers, in a total amount of $16,216,000, from the Transportation Planning and Development Account in the State Transportation Fund to the General Fund

This bill would increase the amount of money to be so transferred to $36,216,000

(14) Existing law requires, for the 1982–83 fiscal year, a sum equal to specified anticipated increased revenues, not to exceed $6,000,000, to be transferred from the General Fund to the Ridesharing and Alternative Transportation Fund, a continuously appropriated fund Existing law also, on July 1, 1983, requires the Controller to transfer $6,000,000 from the General Fund to the Ridesharing and Alternative Transportation Fund in anticipation of the specified anticipated revenues, and on July 1, 1984, and annually until July 1, 1987, the Controller is required to transfer the estimated net anticipated gain of the specified revenues

This bill would delete the required 1982–83 fiscal year transfer of funds from the General Fund to the Ridesharing and Alternative Transportation Fund

(15) Under existing law, school districts, county offices of education, and community college districts pay a specified percentage of the compensation paid to classified employees of school districts, county offices of education, and community college districts, respectively, to the Public Employees' Retirement System monthly

This bill would require the Superintendent of Public Instruction to reduce the February 1983 apportionment by the amount which is not paid for the school districts and county offices of education due to a prescribed credit against the employer contributions to the Public Employees' Retirement System for the period January 1, 1983, to June 30, 1983

The bill would also revert the amounts not paid for the school districts and county offices of education to the unappropriated surplus of the General Fund, as specified

The bill would revert an amount equal to the sum of the decreases in employer contributions to the Public Employees' Retirement System for community college district employees, as specified, from the unencumbered balance of an item of appropriation in the 1982 Budget Act to the unappropriated surplus of the General Fund The apportionments to community college districts for the 1982–83 fiscal year would be reduced by the amount reverted, but in no case would the reduction be made on a pro rata basis among all community college districts

(16) This bill would transfer and revert all or part, as prescribed, of the unencumbered balances in various funds and accounts and items of appropriation to the unappropriated surplus of the General Fund The bill would state the intent of the Legislature

with respect to appropriations for specified projects

(17) Existing law annually transfers a specified amount from the General Fund to the State School Building Lease-Purchase Fund and the State School Deferred Maintenance Fund. The Budget Act of 1982 limited the amount transferred for the 1982–83 fiscal year to $65,000,000.

This bill would permit the transfer of only a specified amount from the General Fund to those 2 funds.

(18) Under existing law, the State Allocation Board allocates money in the State School Building Lease-Purchase Fund to school districts for school construction, as specified.

This bill would provide that the balance in the fund, as specified, would be transferred to the unappropriated surplus of the General Fund The bill would establish a procedure for funding of approved projects by revenue received from the sale of bonds issued under the State School Building Lease-Purchase Bond Law of 1982

(19) Existing law reverts $20,000,000 in the State Emergency Telephone Number Account to the unappropriated surplus of the General Fund, and states 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.

This bill would revert $4[illegible],800,000 in that account to the unappropriated surplus of the General Fund and make a corresponding revision in the statement of legislative intent.

(20) This bill would require the Controller to transfer from the State Highway Account in the State Transportation Fund to the unappropriated surplus of the General Fund an amount equal to the entire principal and interest on a loan made pursuant to Chapter 159 of the Statutes of 1955 and would require the California Transportation Commission to establish and collect tolls on the Richmond-San Rafael Bridge or authorize the issuance of new revenue bonds to repay the account

(21) This bill would appropriate from the New Prison Construction Fund an amount necessary for the completion of specified capital outlay projects of the Department of Corrections

(22) This bill would prescribe, under specified conditions, steps to be taken with regard to recent litigation involving the Public Employees' Retirement System

(23) The Budget Act of 1983, as introduced, makes provisions for a Contingency Reserve for Economic Uncertainties

This bill would create a Special Reserve Account in the General Fund and provide for periodic transfers, as specified, to the account from the Contingency Reserve for Economic Uncertainties. The bill would make the amount in the Special Reserve Account available on and after May 31, 1984, for repayment of any 1983–84 fiscal year inter-fund or external borrowing

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

(25) This bill would provide for severability of any invalid provisions

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

Ch 11 (AB 34) Young Temporary borrowing notes

Existing law authorizes the Controller, under specified circumstances, to draw demands against legislative appropriations from the General Fund which are required to be paid in the then current fiscal year, and to deliver them to the Treasurer The Treasurer is then required to register the demands for nonpayment and to notify the Controller, who could then authorize the Treasurer to issue and sell notes of the State of California to satisfy the registered demands

Existing law appropriates, without regard to fiscal year, $1,000,000 from the General Fund to the State Notes Expense Account, to be used to pay the costs associated with the issuance and sale of the notes The account is then reimbursed from the first money realized from the sale of the notes

This bill would reduce the appropriation from the General Fund to the State Notes Expense Account from $1,000,000 to $250,000. The bill would also require that the first money realized from the sale of the notes be used, in addition, to pay any remaining expenses associated with the issuance and sale of the notes, thereby making an appropriation.

This bill would take effect immediately as an urgency statute

Ch. 12 (AB 36) Leonard. Public Employees' Retirement System.

The Public Employees' Retirement Law presently provides, for state safety members, benefits and contribution rates which are higher than, and a minimum retirement age which is lower than, those for state miscellaneous members; state miscellaneous members, however, are covered by the federal Social Security system while that coverage generally excludes "policemen" and "firemen," which categories encompass state safety members. Chapter 1425 of the Statutes of 1982 added specified classifications of state employees to the state safety member category, but made the application thereof to any persons in those classifications contingent upon receipt of a federal ruling authorizing the inclusion, but did not express, in the statutes relating to the federal system, legislative intent to remove those persons from the federal program coverage.

This bill would provide, in the statutes relating to the federal program, for the termination of federal program coverage of such persons upon a federal ruling authorizing the inclusion of those persons

This bill would take effect immediately as an urgency statute.

Ch. 13 (SB 18) Rosenthal Parklands.

The Budget Acts of 1981 and 1982 appropriated funds from the Parklands Fund of 1980 and the Resources Account, Energy and Resources Fund for, among other things, capital outlay for land acquisition.

This bill would reappropriate $1,569,779 from a specified appropriation from the Parklands Fund of 1980 and $2,527,000 from a specified appropriation from the Resources Account, Energy and Resources Fund, to the Santa Monica Mountains Conservancy for making a grant to the City of Los Angeles for the purchase of Runyon Canyon.

The bill would take effect immediately as an urgency statute.

Ch 14 (AB 15) O'Connell Property taxation.

Existing provisions of Article XIII A of the California Constitution limit the amount of ad valorem taxes which may be imposed upon real property to 1% of the full cash value of the property and define "full cash value" to mean 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 of ownership has occurred after the 1975 assessment. Those provisions also permit the full cash value base of real property to be adjusted for the inflationary rate not to exceed 2% per year

In two consolidated cases presently pending before a court of appeal (Armstrong v. San Mateo County, Civ. No 223408, and Barrett v Santa Clara County, Civ. No. 428754), the superior court concluded that inflationary adjustments for fiscal years preceding the adoption of Article XIII A could not be included in the valuation of real property for the 1978–79 fiscal year

This bill would require that if a final decision of the Supreme Court or a court of appeal is reached in those cases which concludes that real property taxes were collected pursuant to an excess valuation by the assessor based on an improper inclusion of an inflationary adjustment for fiscal years preceding the 1978–79 fiscal year, refunds, including interest at the rate of 9% per annum, shall be made to all similarly affected assessees by each county auditor in accordance with a specified procedure.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department 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 permit local agencies and school districts to pursue their other available remedies to seek reimbursement for these costs

This bill would take effect immediately as an urgency statute

Ch. 15 (AB 41) Johnson. Crime victims assistance.

Existing law imposes certain penalty assessments on fines, penalties, and bail forfeitures for criminal offenses, including specified traffic offenses, which are deposited in the Assessment Fund in the State Treasury and then transferred each month to various funds based on a percentage basis. Of these funds, from January 1, 1983, to July 1, 1983, the Indemnity Fund receives 24.58%, the Peace Officers' Training Fund receives 30.83%, and the Driver Training Penalty Assessment Fund receives 44.17% of the Assessment Fund.

This bill would provide that for the period April 15, 1983, to July 1, 1983, in addition to the 24.58% currently to be transferred each month to the Indemnity Fund during that period, 30.83% of the deposits to the Assessment Fund would be transferred into the Indemnity Fund up to the sum of $5,200,000 with the remainder, if any, to be transferred to the Peace Officers' Training Fund, 0.42% would be transferred into the Fish and Game Preservation Fund, and 44.17% would be transferred into the Driver Training Penalty Assessment Fund after which the Assessment Fund would be distributed as provided for in existing law.

The bill would appropriate $4,000,000 from the Indemnity Fund to the Board of Control for the payment of claims under the Victims of Violent Crimes Program, as specified, and would remove a notice requirement for the expenditure of certain funds appropriated from the Indemnity Fund in the Budget Act of 1982 for local victim/witness centers, as specified.

The bill would take effect immediately as an urgency statute.

Ch. 16 (AB 40) Margolin. Developmental disabilities: financing.

(1) Under existing law, parental fees collected by or for regional centers are to be remitted to the State Treasury to be deposited in the Developmental Disabilities Program Development Fund.

This bill would provide that for the 1982–83 fiscal year only, parental fees in excess of those appropriated in the Budget Act of 1982 are appropriated to the State Department of Developmental Services for purchasing services by regional centers.

(2) The bill would require the Director of Developmental Services to promulgate emergency regulations to govern allocation of resources among regional centers, implement provisions on uniform accounting, budgeting, and fiscal accountability, and establish standards for individual program planning and implementation.

(3) Under existing law, every service 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 procedures are required to include, among other things, an informal meeting, 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. For purposes of these provisions "service agency" is defined as any public or private agency that receives state funds to provide services for persons with developmental disabilities.

This bill would include the conservator of an adult in the definition of "authorized representative" for purposes of these provisions, and would define "service agency" as any state hospital or regional center that receives state funds to provide services for persons with developmental disabilities. This bill would repeal the provisions relating to an appeals board and instead specify other procedures for a fair hearing. The bill would provide that the informal meeting may not be waived by either party. This bill would make various other changes in the fair hearing procedures.

(4) Existing law requires the State Department of Developmental Services to promulgate uniform fair hearing regulations for regional centers.

This bill would require any public or private agency receiving state funds for the purpose of serving persons with developmental disabilities not otherwise subject to the above provisions to, as a condition of continued receipt of state funds, adopt and periodically review a written internal grievance procedure.

(5) The bill would reappropriate the unencumbered balances of certain funds in the Budget Act of 1982 to the State Department of Developmental Disabilities for certain specified purposes.

(6) This bill would take effect immediately as an urgency statute, but the provisions discussed above in paragraphs (3) and (4) would become operative October 1, 1983.

DIGESTS OF RESOLUTIONS AND PROPOSED CONSTITUTIONAL AMENDMENTS ADOPTED IN 1983

1983–84 REGULAR SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (ACR 5) Papan. Legislative Counsel of California.
This measure designates Bion M. Gregory as Legislative Counsel of California.

Res. Ch. 2 (SCR 3) Lockyer. Bruce William Walker.
This measure would honor and commend Bruce William Walker, Chief Counsel of the Franchise Tax Board, upon the occasion of his retirement from that position.

Res. Ch. 3 (SCR 1) Carpenter. Joint Committee on Refugee Resettlement and Immigration.
This measure would create the Joint Committee on Refugee Resettlement and Immigration and provide for the membership, authority, and duties of the committee
The measure would authorize the Joint Rules Committee to make money available from the Contingent Funds of the Assembly and Senate in the amount which it deems necessary for the expenses of the committee.

Res. Ch. 4 (ACR 21) Felando. Children's Dental Health Month.
This measure would declare that the month of February 1983 shall be recognized as "Children's Dental Health Month".

Res. Ch 5 (ACR 30) Killea Women's History Week
This measure would urge celebration of International Women's Day on March 8, 1983, and designate March 6–12, 1983, as Women's History Week.

Res. Ch. 6 (SJR 4) Mello California artichokes.
This measure would memorialize the United States Trade Representative not to propose lowering the present tariff on canned and marinated artichokes which are imported from Spain.

Res. Ch. 7 (AJR 7) Isenberg Sacramento-San Joaquin Delta.
This measure would memorialize the President and Congress of the United States to grant immediate federal financial and manpower assistance to halt the damage to the levees in the Sacramento-San Joaquin Delta, and would urge the Congress to authorize participation in a delta rehabilitation program that will provide for the needs of the delta and other areas of California.

Res. Ch. 8 (ACR 23) Johnson. P.O.W.-M.I A. Recognition Day
This measure would proclaim April 9, 1983, and every April 9 thereafter as P O.W.-M.I.A. Recognition Day in California.

Res Ch. 9 (AJR 11) Papan. Aid to Greece and Turkey
This measure would memorialize the President and Congress to preserve the present 10 7 ratio of aid for Turkey and Greece, respectively

Res Ch 10 (AJR 10) McClintock Clean Air Act sanctions. highway construction funding
This measure would memorialize Congress to take appropriate action to ensure that the Environmental Protection Agency does not reimpose highway construction or sewer construction funding sanctions and does not continue the imposition of a ban on construction or modification of major stationary sources

Res Ch 11 (ACR 38) Chacon. Amnesty International U.S.A.
This measure would commend Amnesty International U S A for its outstanding work in the cause of human rights, for being the voice of thousands who would otherwise go unheard, and for being a ray of hope into dark, hidden dungeons where otherwise there would be no hope

Res Ch 12 (ACR 58) Vicencia. Child abuse prevention
This measure would designate April as Child Abuse Prevention Month in California.

Res Ch 13 (SCR 2) Caramendi Joint Committee on the Arts.
This measure would create the Joint Committee on the Arts and prescribe its membership, powers, and duties

Res Ch 14 (AJR 39) N Waters National Agriculture Week
This measure would proclaim the week of March 18 through March 24, 1983, as National Agriculture Week and March 21, 1983, as Agriculture Day

Res Ch 15 (AJR 15) Hayden Hazardous waste
This measure would memorialize the President of the United States to direct the new Administrator of the Environmental Protection Agency to quickly and effectively implement all the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, to speedily distribute the moneys in the Hazardous Substance Response Trust Fund for the cleanup of all hazardous waste sites which pose an imminent and substantial danger to the public health or welfare, and to modify the current enforcement policies, as prescribed It would request that a full investigation of the conduct of the Superfund program by the E P A be instituted, and that the President direct the E P A to commit itself to full public participation by affected citizens in the implementation of the Superfund cleanup program

Res Ch 16 (ACR 64) Lancaster The Honorable Robert M McLennan, M D.
This measure would commend the Honorable Robert M McLennan, M.D , for his achievements and for his service to California

Res Ch 17 (ACR 13) Bergeson School textbook standards
This measure would request the State Board of Education and the Superintendent of Public Instruction to review and develop uniform textbook standards to assist school districts in the selection of textbooks which are appropriate for the grade levels taught. This measure would request that the State Board of Education and the Superintendent of Public Instruction submit a report to the Legislature on or before July 1, 1984, regarding the development of textbook standards for the state public school system

Res Ch 18 (ACR 14) Bergeson Pupil performance standards
This measure would urge the State Board of Education and the Superintendent of Public Instruction, with the full support of the Legislature, to continue its efforts in the development of model statewide graduation requirements and curriculum standards in 1983 to be made available to local school districts This measure would also urge the State Board of Education and the Superintendent of Public Instruction to require each school district governing board to review their existing graduation requirements and curriculum standards in 1984 by comparing them to the model standards developed by the board and the superintendent

Res. Ch 19 (ACR 15) Farr Ocean resources
This measure would direct the Joint Committee on Fisheries and Aquaculture to evaluate an ocean studies symposium report prepared by the California Coastal Commission and the Department of Fish and Game, to hold a hearing in the fall of 1983 on marine resource management, and to submit an action plan on marine resource management to the Legislature by January 1, 1984, with assistance from the Assembly Office of Research and the Senate Office of Research

Res Ch 20 (ACR 59) Katz Holocaust Memorial Week Days of Remembrance
This measure would proclaim the week of April 10 through April 17, 1983, as Holocaust Memorial Week and urge Californians to appropriately observe these Days of Remembrance for Victims of the Holocaust

Res Ch 21 (ACR 35) Felando Independent Living Month
This measure would proclaim the month of April 1983 as "Independent Living Month"

Res Ch 22 (ACR 29) W Brown 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 18–24, 1983, and sponsored by the California Waste Management Board

Res. Ch. 23 (SCR 13) Roberti. Joint Rules.
This measure adopts joint rules relating to resolutions, the legislative calendar, the introduction of bills, and deadlines for the 1983–84 Regular Session.

Res. Ch. 24 (AJR 45) Nolan. Victims of crime.
This measure would memorialize the President of the United States and the Attorney General of the United States, among others, to provide all possible encouragement and support to McGeorge School of Law's new legal services program relating to victims' rights

Res. Ch. 25 (AJR 1) Bane Equal Rights Amendment.
This measure would memorialize the President and Congress of the United States to propose to several states an amendment to the Constitution of the United States stating that equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex

Res. Ch 26 (ACR 19) Papan Medi-Cal program.
This measure would create the Joint Committee on Medi-Cal Oversight to be comprised as specified, in order to monitor the implementation and impact of various provisions of law concerning the Medi-Cal program.

Res Ch 27 (ACR 42) Filante Deaf Awareness Day
This measure would proclaim April 30, 1983, as Deaf Awareness Day in California, reaffirm the commitment of the Legislature to help the state's hearing impaired, and urge all Californians to join in the celebration of that day.

Res Ch 28 (ACR 68) Katz. California Small Business Week.
This measure would request the Governor to proclaim the week of May 8, 1983 as California Small Business Week, in conjunction with the presidential proclamation thereof

Res. Ch 29 (ACR 32) Felando. Senior citizens.
This measure would designate May 1983 as Older Americans Month in honor of older Americans.

Res. Ch. 30 (ACR 56) Felando. Developmentally disabled persons.
This measure would designate April 27, 1983, as Employ the Developmentally Disabled Day and would recognize the efforts of the regional centers for the developmentally disabled to enable persons with developmental disabilities to become as independent, and to lead as normal and fulfilling lives, as possible.

Res Ch. 31 (SCR 7) Robbins. Grade crossing accidents: study.
This measure would request the Public Utilities Commission to study the safety of the grade crossing at Bellaire and Raymer in North Hollywood, and report its findings, conclusions, and recommendations thereon to the Legislature within 30 days of the chaptering of the measure.

Res. Ch. 32 (SJR 2) Montoya. Natural gas: high cost.
This measure would memorialize the Federal Energy Regulatory Commission to initiate a rulemaking proceeding directed toward precluding natural gas pipeline operators under its jurisdiction from averaging or rolling in high-cost natural gas and a rulemaking inquiry directed to establishing a general provision in service agreements providing that customers of natural gas pipeline operators retain the discretion to purchase or not to purchase high-cost natural gas.

Res Ch 33 (SCR 18) Watson Wellness Week.
This measure would proclaim the week of May 15 through 21, 1983, as Wellness Week.

Res Ch 34 (ACR 39) Agnos Joint Legislative Audit Committee and the office of the Auditor General appropriation.
This measure would allocate $7,568,000, or as much of that amount as may be necessary, from the Contingent Funds of the Assembly and Senate for expenses of the Joint Legislative Audit Committee and the office of the Auditor General.

Res. Ch. 35 (ACR 16) Moore. Telecommunications.

Existing law does not specifically provide for a panel to assess the state's needs in the areas of telecommunications and data communications This measure would create the Sacramento Area Telecommunications Advisory Panel to assess the state's telecommunications and data communications needs through the calendar year 1985. The panel would forward its findings to the Sacramento Metropolitan Cable Television Commission for possible incorporation in the cable communications service contract currently being negotiated.

The panel would also forward to the Legislature, within 30 days following the signing of the final cable communications service contract, its recommendations for further legislation to guide efficient and effective use by state government of the Sacramento cable communications system and other communications technologies available in the Sacramento region

Res. Ch. 36 (ACR 31) N. Waters. Soil erosion and sediment control specialists.

This measure would recommend to counties and cities that soil erosion and sediment control specialists, certified as specified, be consulted in the formulation and implementation of soil erosion and sediment control issues in ordinances and plans.

Res. Ch. 37 (SCR 26) Russell. Lucille Ball.

This measure would honor and commend Lucille Ball for her professional achievements and personal generosity.

Res. Ch. 38 (AJR 28) Hayden Law enforcement assistance.

This measure would memorialize the President and the Congress of the United States to enact specified portions of the Justice Assistance Act of 1983 (S. 53), and to take appropriate measures to assure that priority is given under the act to "neighborhood watch" crime prevention programs.

Res Ch. 39 (AJR 5) Moore. Child nutrition.

This measure memorializes the President and the Congress of the United States to enact legislation which would restore funding for the meal pattern of five meals: breakfast, A.M supplement, lunch, P.M. supplement, and supper to the Child Care Food Program

Res. Ch. 40 (ACR 2) 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 measure would give legislative approval to the commission to continue its study of numerous, specified topics which the Legislature has previously authorized or directed the commission to study and would make revisions thereto, as specified

Res. Ch. 41 (ACR 80) Davis. Commending David S. Saxon.

This measure would commend David S. Saxon, outgoing President of the University of California, for his loyalty and service to the university, for his leadership of the university during his tenure as president, and for his unwavering commitment to educational quality and public service

This measure would also state the Legislature's recognition that the university and the state and its citizens have been well served by David S. Saxon and would extend the Legislature's appreciation for David S. Saxon and his contributions.

Res Ch. 42 (AJR 53) Roos. Baltic Freedom Day.

This measure would declare June 14, 1983, as Baltic Freedom Day to symbolize the solidarity of the American people with the people of Estonia, Latvia, and Lithuania. This measure would also urge the Governor to issue a proclamation for the annual observance of Baltic Freedom Day. The measure would also memorialize the President of the United States to request the United Nations to investigate the U S S.R 's occupation of Estonia, Latvia, and Lithuania.

Res. Ch. 43 (ACR 84) W. Brown. Joint Rules: Conference Committee on 1983–84 Budget Bill.

Under 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 on a bill which if enacted would become the Budget Act of 1983 shall only consider differences between the Assembly version of the Budget Bill as amended in Assembly June 1, 1983, and the Senate version as amended in Senate June 6, 1983, and shall not approve expenditure or control items exceeding either version.

Res. Ch. 44 (AJR 43) Papan. Special education: federal funding.

This measure would memorialize the President and Congress of the United States to provide full funding to assure that all handicapped children have available to them a free, appropriate public education emphasizing special education and related services designed to meet their unique needs.

Res. Ch. 45 (AJR 46) Papan. Qantas Airways, Limited: labor dispute.

This measure would memorialize the President and Congress of the United States to urge Qantas Airlines, Limited, to reconsider its discharge of its California employees during a labor dispute.

Res. Ch 46 (SCR 20) Stiern. Joint Legislative Budget Committee.

This measure would allocate $4,600,000, 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. 47 (SCR 25) Montoya Bobby Chacon and the World Boxing Council.

This measure would request the World Boxing Council to continue to recognize Bobby Chacon as Super Featherweight Champion.

Res. Ch. 48 (ACR 18) Bronzan. Greyhound Bus Lines: discontinuance and reduction of service.

This measure would request the Public Utilities Commission, and memorialize the federal Interstate Commerce Commission, to disapprove any application of Greyhound Bus Lines to discontinue or reduce bus service to small, rural, and isolated communities within California, and to utilize the full applicable review periods specified in the federal Bus Regulatory Reform Act of 1982 to review these applications so as to allow the Legislature to consider legislation regarding intercity bus transportation.

Res. Ch. 49 (ACR 69) Bergeson The tallship *Californian*.

This measure would commend the Nautical Heritage Museum at Dana Point and the United States Coast Guard in connection with the construction of the tallship *Californian*, and would designate the ship as this state's official tallship ambassador.

Res. Ch. 50 (ACR 66) Chacon Housing.

This measure would request the Assembly Housing and Community Development Committee and the Senate Housing and Urban Affairs Committee to hold an oversight hearing during the 1983–84 Regular Session of the Legislature on the fundamental factors underlying the shortage of housing, and to report their findings, conclusions, and recommendations for action to the Assembly and to the Senate by March 1, 1984.

Res. Ch. 51 (ACR 78) Rogers. Small Business Persons of the Year Award

This measure would commend Louis and Frederick Ruiz on their selection as National Small Business Persons of the year and would request the Governor to extend similar congratulations to these persons.

Res. Ch. 52 (ACR 85) Bader. Corrections.

This measure would request the Department of Corrections and the Office of the Attorney General to prepare a report within 30 days, relative to the security and classification procedures utilized in the processing of Kevin Cooper, an inmate who allegedly escaped from the California Institute for Men, at Chino, and relative to recommenda-

tions to prevent the danger posed by escapes from the state's correctional institutions by dangerous inmates in the future.

Res. Ch. 53 (AJR 55) Roos. Equal educational opportunity on the basis of sex.

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 and to work for the defeat of any legislation which would weaken or dismantle Title IX. This measure would also proclaim June 23, 1983, Title IX Day.

Res. Ch. 54 (SCR 6) Watson. Disabled persons.

This measure would provide that the Legislature declares that 1983 shall be the California Year of the Disabled, and that it is of the utmost importance to continue to increase the awareness of the public that persons with disabilities are, and can be, productive and effective members of this society.

Res. Ch 55 (SCR 4) L Greene. Procurement of equipment, materials, and supplies: school districts.

This measure would request the governing board of each school district to use the services of the State Department of General Services in procuring equipment, materials, and supplies when the services afford the district savings, and would request the State Department of Education to work with and assist the districts in utilizing the services of the State Department of General Services.

Res Ch 56 (SJR 8) Lockyer Taxation: tips.

This measure would memorialize the President and the Congress to modify the Tax Equity and Fiscal Responsibility Act of 1982 to restore an accurate and fair basis for assessing federal income tax obligations for waiters and waitresses.

Res Ch. 57 (ACR 24) Filante. Congressman Don Clausen Overpass.

This measure would designate the overpass on State Highway Route 101 in the City of Rohnert Park at the intersection of the Rohnert Park Expressway and Route 101 as the Congressman Don Clausen Overpass It would direct the Department of Transportation to determine the cost of and to erect appropriate plaques and markers showing that designation, upon receiving donations from private sources covering the costs of erecting the plaques and markers

Res Ch 58 (AJR 9) Killea Disabled persons. parking.

This measure would request the President and Congress to enact a law providing for a reciprocal agreement by states to permit disabled veterans' and other disabled persons' parking privileges to extend across state boundaries

Res Ch 59 (AJR 14) Filante Trick and fancy roping

This measure would memorialize the President and Congress to recognize and designate the skill of trick and fancy roping as both an art form and as a performing art and would request the United States Postal Service to issue a postage stamp commemorating its centennial.

Res. Ch. 60 (AJR 44) Katz California State University, Northridge: National Center on Disability.

This measure would memorialize the Congress of the United States to designate California State University, Northridge as a National Higher Education Center on Disability.

Res Ch. 61 (ACR 22) Hannigan Veteran service funding.

This measure would request the Department of Finance, in consultation with the Department of Veterans Affairs and the State Department of Social Services, to conduct a study of the cost-effectiveness of funding county veteran service offices as a welfare savings measure, would request the Department of Finance and the Department of Veterans Affairs to determine the scope of the study by agreement between them within a cost limitation of $25,000. and would request the Department of Finance to report the results of the study and recommendations to the Assembly Select Committee on Veterans Affairs, the Assembly Ways and Means Committee, and the Senate Finance Commit-

tee within 6 months of the date of chaptering of the resolution.

Res. Ch. 62 (ACR 55) Harris. Public Procurement Advisory Committee.
This measure would create the Public Procurement Advisory Committee and prescribe its membership and duties.

Res. Ch. 63 (AJR 37) Statham. Bankruptcy proceedings.
This measure would memorialize the President and Congress of the United States to consider amending the bankruptcy law to discontinue the policy of permitting the debts of a person, including a personal injury judgment, resulting from that person's act of driving a motor vehicle while under the influence of alcohol to be discharged in a bankruptcy proceeding

Res Ch 64 (ACR 63) N Waters. Forest products industry.
This measure would request all state agencies to facilitate the goal of the California Legislature to restore the forest products industry to its former healthy state.

Res Ch 65 (SJR 13) Marks. Mortgage subsidy bonds.
This measure respectfully memorializes the President and Congress to extend indefinitely the authority of state and local governments to issue mortgage subsidy bonds under Section 103A of the Internal Revenue Code of 1954.

Res Ch 66 (SJR 14) Marks Community development block grants.
This measure would memorialize the President and the Congress of the United States to maintain the Community Development Block Grant program and increase its funding level

Res Ch. 67 (SJR 16) Marks. Urban Development Action Grants.
This measure would memorialize the President and the Congress of the United States to maintain the Urban Development Action Grant program with its current funding level

Res Ch. 68 (ACR 45) Bronzan Veterans: small business services.
This measure would request the Department of Economic and Business Development to establish a program of technical assistance in starting and expanding small businesses, and would request the Department of General Services to provide advice and assistance in application for and obtaining state procurement contracts, for disabled and Vietnam era veterans, making maximum use of available federal funds, as specified, and would request the Department of Economic and Business Development to report to the Legislature within 18 months on the results of and its recommendations concerning the program.

Res Ch. 69 (ACR 61) Campbell. California Conservation Corps.
This measure would commend the California Conservation Corps for their work during the 1983 floods in the Sacramento-San Joaquin Delta.

Res. Ch. 70 (ACR 67) Clute. Veterans: Preference program.
This measure would direct the Auditor General to conduct a study to evaluate the effectiveness of the Veterans Preference Program administered by the State Personnel Board and to submit a report of findings and recommendations thereon to the Legislature no later than 6 months after adoption of this measure

Res Ch 71 (AJR 69) Katz. White House Conference on Small Business.
This measure would memorialize the Congress and the President of the United States to reconvene the 1980 White House Conference on Small Business.

Res Ch. 72 (SJR 1) Johnson. Public assistance programs: disclosure of personal information
This measure would memorialize the President and the Congress to amend the Social Security Act to allow personal information concerning applicants and recipients under federally funded public assistance programs to be used or disclosed by the states pursuant to a criminal proceeding brought on behalf of the people of the State of California

or on behalf of the United States government, as specified.

Res. Ch. 73 (SCR 5) Petris. Relative to the Arthur H. Breed, Jr. Freeway.

This measure would designate Interstate 580 between Castro Valley and Livermore as the Arthur H. Breed, Jr. Freeway. The measure would also direct the Department of Transportation to determine the cost of erecting appropriate plaques and markers and to erect the plaques and markers upon receiving donations from private sources covering that cost.

Res. Ch. 74 (SCR 9) Beverly. White Point in Los Angeles County: recreational use study.

This measure would request the Department of Parks and Recreation, with the participation of the State Coastal Conservancy, the County of Los Angeles, the City of Los Angeles, and other private and public entities, to conduct public meetings to develop a plan for utilizing the White Point property in the County of Los Angeles for recreation purposes and to transmit the plan to the Legislature on or before March 31, 1984.

Res. Ch. 75 (SCR 15) Marks. Disabled persons.

This measure would provide that the Legislature declares 1983 through 1992 as the California Decade of Disabled Persons, and that it is of the utmost importance to continue to increase the awareness of the public that persons with disabilities are, and can be, productive and effective members of this society.

Res. Ch. 76 (ACR 36) Sher. Tax compliance: sharing of information.

This measure would direct state agencies to provide and share in a manner which does not violate legal rights to confidentiality or privacy, information regarding individual entities or taxpayers for the purpose of increasing the effectiveness and efficiency of the state's revenue collection efforts.

It would also direct the Franchise Tax Board to prepare and submit to the Legislature a report which identifies known constraints to sharing information among the revenue agencies of the state.

Res. Ch 77 (ACR 41) Seastrand. 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. 78 (AJR 21) Bergeson. Santa Margarita Project.

This measure would memorialize the President and the Congress to expeditiously authorize the construction of the Santa Margarita Project in northern San Diego County and to provide the initial funding for the project

Res. Ch 79 (AJR 38) Frazee. Public safety communications

This measure would memorialize the President and the Congress to take appropriate action to ensure that oversight hearings are held regarding the vital need for public safety communication, and to ensure that the Federal Communications Act of 1934 is amended for the purpose of establishing a national public safety telecommunications policy. It would also request the Congress to enact and the President to sign federal legislation to create a national public safety telecommunications policy that would set forth priorities for the issuance of telecommunications licenses by the Federal Communications Commission

Res. Ch. 80 (AJR 47) Roos. Ukrainian Genocide

This measure memorializes the Governor of California and the President of the United States to declare October 2, 1983, as a Day of Remembrance of the victims of the Ukrainian Genocide in 1932–33

Res. Ch. 81 (SJR 3) Doolittle. Mobilehome park development

This measure would memorialize the President and Congress to amend Section 8 of the Housing and Urban Development Act of 1937 to include mobilehome park development among the projects which may be financed under the program

Res. Ch 82 (ACR 46) Filante. Canadian natural gas purchases.
This measure would request the Public Utilities Commission to direct the gas corporations subject to its jurisdiction to continue negotiations with the government of Canada to achieve reductions in the price of natural gas and modifications in the terms and conditions of the market availability of Canadian gas.

Res. Ch 83 (ACR 79) Leonard. Dr. Sally K. Ride.
This measure would commend Dr Sally K. Ride, America's first female astronaut, on her achievements

Res. Ch. 84 (AJR 32) Hayden Federal student financial aid.
This measure would memorialize the President and the Congress of the United States to maintain federal student financial aid as a priority, to work to stop further reductions in student aid funding, and to work to ensure adequate student financial aid.

Res Ch 85 (ACR 20) Wright. Medical technical assistants.
This measure would commend the Department of Corrections for implementing its written commitment to refrain from reclassification of medical technical assistants to a class similar to licensed vocational nurses; would urge the department to fulfill a specified commitment made during negotiations preceding the enactment of Chapter 299 of the Statutes of 1982; and would request the Board of Vocational Nurse and Psychiatric Technician Examiners to refrain from imposing an application fee upon specified medical technical assistants

Res Ch 86 (ACR 47) Connelly. Veterans job training programs.
This measure would request the Governor to direct the Job Training Coordination Council established pursuant to the federal Job Training Partnership Act to develop a program enabling Vietnam era, disabled, and recently separated veterans to be assisted under that act in proportion to their needs and representation in the California workforce, and to direct the state agency assigned to administer the act in California to provide technical assistance to community based veterans organizations in order to maximize their participation under the program

Res Ch 87 (AJR 22) Hayden Disabled veterans: health care services.
This measure would memorialize the President and Congress to direct the Veterans' Administration to improve the system by which private physicians receive reimbursement for authorized treatment of service-connected disabled veterans so that payments are received within a reasonable time.

Res Ch 88 (AJR 23) Jones Salinity control
This measure would request the United States Department of Agriculture to make the mitigation of salinity a national high priority under the Resource Conservation Act of 1977 and, in targeting technical and financial resources, to recognize in the conduct of all resource conservation programs the importance to the nation of salinity's impact on California's agricultural productive capacity.
The measure would express the intent of the Legislature to protect valuable agricultural land, water, and wildlife resources and would request the State Resources Agency to provide the necessary assistance to support efforts to develop a plan to solve the soil and water related problems of salinity, and to make the correction of salinity a high priority by providing specified additional assistance and coordination.

Res Ch 89 (AJR 27) Bergeson Social Security reform.
This measure would memorialize the President and Congress of the United States to enact legislation to eliminate the disparate impact which the Social Security system has against working women and homemakers.

Res. Ch 90 (AJR 33) Baker. International trade
This measure would recognize California's contributions to and dependence on international trade, would memorialize the United States Congress and the California delegation to support enactment of legislation reflecting the objectives of the International Trade and Investment Act, would memorialize the President to seek trade agreements according U S exporters foreign market commercial opportunities commensurate with those enjoyed by foreign exporters in U.S markets, and would memorialize Congress to authorize the President to negotiate such agreements

Res Ch 91 (AJR 41) Peace Cotton pests.
This measure would request the United States Department of Agriculture to take the leadership role in the boll weevil eradication effort in the cotton growing areas of southern California along the Colorado River by committing its manpower and resources

Res Ch. 92 (SJR 22) Garamendi. National Weather Service.
This measure would memorialize the President and Congress of the United States to restore the agricultural weather, fruit frost, and fire weather programs to existing levels and not to consider selling or otherwise disposing to private interests any part of the National Weather Service of the National Oceanic and Atmospheric Administration

Res. Ch. 93 (ACR 43 Clute. Veterans Home of California study.
This measure would request the Department of Veterans Affairs to study the feasibility of establishing a second Veterans Home of California to be located in southern California, to expend no more than $40,000 for these purposes, and to report thereon to the Legislature on or before January 1, 1985

Res. Ch 94 (ACR 73) Johnston Exceptional Children's Week
This measure would designate the week of May 2 to 8, 1984, and annually thereafter, as "Exceptional Children's Week". It would encourage the residents of California to continue developing their awareness of, and support for, the needs of exceptional children, and to observe this special week on an annual basis It would also urge school districts to schedule activities associated with this week, and to encourage public participation therein.

Res. Ch 95 (ACR 91) Statham National Drunk and Drugged Driving Awareness Week
This measure would set aside the week of December 11 through December 17, 1983, as the Drunk and Drugged Driving Awareness Week.

Res Ch. 96 (AJR 25) Filante. Supplemental security income for the aged, blind, and disabled
This measure would memorialize the President and Congress of the United States, the Secretary of Health, Education, and Welfare, and the Commissioner of Social Security to revise the Supplemental Security Income for the Aged, Blind, and Disabled program to exclude from considerations of eligibility for aid the value of a promissory note held by an applicant or recipient upon the sale of his or her home, subject to specified conditions

Res Ch 97 (AJR 26) O'Connell Santa Barbara ecological preserve
This measure would memorialize the President and Congress of the United States to enact legislation which would grant permanent protection, except in case of national need, to the Santa Barbara ecological preserve and buffer zone and to the Channel Islands Marine Sanctuary.

Res Ch. 98 (AJR 30) N Waters. Trucking. federal highway fees
This measure would memorialize the President and the Congress of the United States to allow truck carriers of agricultural products to pay the new federal highway fees enacted in the Highway Revenue Act of 1982 (Title V, Surface Transportation Assistance Act of 1982 (P.L 97-424)) on an apportioned quarterly basis

Res. Ch. 99 (AJR 48) Nolan. Vietnam veterans: Agent Orange exposure.
This measure would memorialize the President and Congress to support and enact legislation directing the United States Veterans' Administration to pay compensation to an estimated 3,000 Vietnam veterans who were exposed to Agent Orange during service in Vietnam and who suffer from liver disorders, skin conditions, and soft-tissue cancer.

Res Ch 100 (AJR 52) Condit. National Weather Service
This measure would memorialize the President and Congress of the United States to reconsider selling any part of the National Weather Service and, instead, to explore methods of making the service financially self-supporting

Res Ch. 101 (AJR 65) Isenberg. Water rights: areas of origin.

This measure would request the Department of the Interior to drop its litigation against the State of California which seeks to invalidate state laws for the protection of the water rights of areas of origin.

Res. Ch. 102 (SJR 6) Marks. United States merchant marine.

This measure would memorialize the President and the Congress to provide appropriations for the construction of new vessels for the United States merchant marine

Res. Ch. 103 (SJR 9) Marks. Relocation and internment of persons of Japanese ancestry

This measure would memorialize the President and the Congress to approve adequate monetary compensation to those individuals who suffered hardship as a result of Executive Order 9066 which caused the relocation and internment of persons of Japanese ancestry

Res. Ch. 104 (SCR 36) Johnson State highways. Route 36: Blue Star Memorial Highway

This measure would designate State Highway Route 36 as the Blue Star Memorial Highway.

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. 105 (ACA 16) Papan. Public pension or retirement fund

The Constitution presently provides that, notwithstanding specified provisions to the contrary, the Legislature may authorize the investment of moneys of any public pension or retirement fund, subject to specified conditions relating to the percentage of assets which may be invested and the types of stocks and corporations which may be invested in.

This measure would

(1) Delete the specified conditions on the investment of moneys of a public pension or retirement fund, and would instead provide that the Legislature may authorize the investment of moneys of any public pension or retirement system subject to specified duties of the fiduciary of the public pension or retirement system

(2) Provide that the assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits and defraying reasonable administrative expenses

(3) Provide that the fiduciary shall: (a) discharge the duties solely in the interest of the participants and beneficiaries and for the exclusive purposes of providing benefits, minimizing employer contributions, and defraying reasonable administrative expenses, (b) discharge the duties pursuant to a specified standard which is substantially similar to the statutory standard for the State Teachers' Retirement System and the standard in the federal Employee Retirement Income Security Act of 1974; and (c) diversify the investments so as to minimize the risk of loss and to maximize the rate of return, unless under the circumstances it is clearly prudent not to do so

Res. Ch. 106 (ACR 40) Hayden. Disabled veterans health care services

This measure would request the State Department of Health Services and the Department of Veterans Affairs to seek the cooperation of health care services throughout the state in accepting Veterans' Administration fee basis and CHAMPUS and CHAMPVA authorizing actions and to explore alternative administrative actions by which disabled veterans may be treated at public health care facilities in California on a federal reimbursement basis, and would further request the State Department of Health Services, after consultation with the Department of Insurance, to report its findings, conclusions, and recommendations, including recommendations for necessary legislation, to the Assembly Committee on Health and the Senate Committee on Health and Welfare within 6 months.

Res. Ch. 107 (ACA 26) Papan. Civil service exempt positions

Existing provisions of the California Constitution provide for civil service which includes, with specified exceptions, every officer and employee of the state

This measure would add to the above exceptions the Chief Investment Officer, the Assistant Chief Investment Officer, and Principal Fund Managers of the Public Employees' Retirement System and the State Teachers' Retirement System.

Res. Ch. 108 (ACR 48) Johnston. California State World Trade Commission: agriculture.

This measure would request that the California State World Trade Commission make the export of this state's agricultural products one of its highest priorities and would request that the commission undertake other specified tasks relating to California agriculture. The measure would also request that the commission report to the appropriate committees of the Legislature on or before September 1 of each year regarding the extent of its activities with respect to this state's agricultural exports and the effectiveness of these activities on expanding the world trade of these products.

Res. Ch. 109 (ACR 53) O'Connell Public health Western Consortium for the Health Professions, Inc.

This measure would declare the Legislature's endorsement of the goals of the Western Consortium for the Health Professions, would commend the University of California at Berkeley, the University of California at Los Angeles, the University of Hawaii, and their respective schools of public health for establishing the consortium, and would recommend that the State Department of Health Services make its best efforts to support the activities of the consortium.

This measure would also request that the consortium be considered an appropriate recipient of any funds which the Governor, Legislature, or the State Department of Health Services may make available for the purpose of improving public health through educational, research, or service activities.

Res. Ch. 110 (AJR 19) Peace. Local telephone service

This measure would memorialize the President and Congress to direct the Federal Communications Commission to review the effects of the American Telephone and Telegraph Company divestiture rulings upon the ability of local telephone corporations to provide quality universal basic telephone service at affordable rates and to take such action as is necessary to protect the financial integrity of local telephone corporations, including their continued ability to provide basic services at affordable rates.

Res. Ch. 111 (ACR 37) Tanner Sex discrimination.

This measure would request the Commission on the Status of Women to annually report to the Legislature its findings and recommendations regarding pay inequities for women workers in the public and private sectors, to formally review and comment to the Department of Personnel Administration concerning the department's findings and conclusions as to these inequities in state government, and to establish a statewide task force consisting of 11 members, as specified, who shall serve without compensation, except for actual and necessary expenses, to identify and address barriers to the objective of equal pay to women for work of equal value in the private sector

Res. Ch. 112 (AJR 31) Stirling School lands and lieu lands

This measure would memorialize the Secretary of the Interior to take all actions necessary to make producing mineral lands available for selection by the state to replace lost school lands of the same character and to make available for selection lands that have been or may be declared surplus or otherwise been made available for sale, exchange, or other disposition.

Res. Ch. 113 (AJR 61) N. Waters Agriculture. Payment-In-Kind program

This measure would memorialize the Congress of the United States to review the United States Department of Agriculture Payment-in-Kind program and the program's impact on agriculture and agriculturally related industries The measure would also memorialize the Congress to consider credit assistance for businesses in agriculturally related industries that are experiencing severe financial losses due directly to the program.

Res. Ch. 114 (AJR 62) Katz. Small Business Participating Debenture.

This bill would memorialize the President and Congress of the United States to enact S. 842 establishing the Small Business Participating Debenture.

Res. Ch. 115 (AJR 84) Roos. Soviet violence and aggression.

This measure would memorialize the President and Congress of the United States to formally condemn the Soviet Union for the attack on Korean Air Lines Flight 007, to seek the imposition of appropriate sanctions against the Soviet Union, and to urge the United Nations to take whatever actions are necessary to express the sorrow and indignation of the world community.

Res. Ch. 116 (SCR 11) Foran. Commercial vehicles: alternative fees study.

Existing law prescribes a schedule of weight fees for commercial vehicles based upon unladen weight.

This measure would request the Department of Motor Vehicles to conduct a prescribed study of alternative fee schedules based upon laden operation of commercial vehicles. The measure would request the department to submit an interim progress report to the Legislature by January 15, 1984, with the final report due by June 1, 1984.

Res. Ch. 117 (SCR 30) McCorquodale. County sealers of weights and measures.

This measure would request the Legislative Analyst to conduct a study of specified activities of county sealers of weights and measures and to report to the Legislature by April 30, 1984.

Res. Ch. 118 (SJR 12) Torres. Space Station Program.

This measure would memorialize the President and the Congress, and request the National Aeronautics and Space Administration, to commit the United States to a Space Station Program, with the goal of manned operations before 1990, and to enlist California industry in the production and operations of this program.

Res. Ch. 119 (SCR 16) Keene. Anadromous fish.

This measure would declare it the policy of the state to restore anadromous fish runs in the San Francisco Bay, the San Pablo Bay, and the Sacramento-San Joaquin Delta to historic levels without adversely affecting existing commercial and recreational fisheries and water rights permits and licenses.

The measure would direct the Department of Fish and Game to record the names and addresses of purchasers of fishing licenses, within existing budgetary constraints, commencing July 1, 1984

Res. Ch. 120 (SCR 40) Montoya. Taiwan: the Republic of China.

This measure would extend to Taiwan, the Republic of China, an invitation to join the State of California as a sister state.

Res. Ch. 121 (ACR 25) Hughes. Dental health.

This measure would create the Statewide Dental Health Task Force and provide for the membership, authority, and duties of that task force. The task force would be required to submit its report to the Legislature on or before January 1, 1985, and to terminate at that time.

This measure would also require the Legislative Analyst to estimate the costs and savings associated with each recommendation of the task force and report its findings to the Legislature on or before April 1, 1985.

Res. Ch. 122 (ACR 27) Tucker. Medically indigent persons.

This measure would direct the Legislative Analyst, in consultation with the State Department of Health Services and the County Supervisors Association of California, to report to the Legislature concerning county health services in relation to eligibility, services, costs and utilization of services by those medically indigent adults for whom counties have been made responsible and direct the Legislative Analyst to evaluate the specified reporting systems to determine if the systems can provide the Legislature with reports on (a) the timeliness for the budget process; (b) capacity to measure frequency of use of health services by eligible persons, by type of service; and (c) capacity to measure access to services by eligible persons with respect to location of facilities, comprehensiveness of service available at facilities, and transportation times and modes.

Res. Ch. 123 (ACR 62) Elder. State Teachers' Retirement System: study panel.
This measure would create a panel to study the funding and benefit structure of the State Teachers' Retirement System, would prescribe its membership, powers, and duties, and would express legislative intent that all resulting costs be paid by STRS. The panel would be required to submit preliminary and final reports, as specified.

Res. Ch. 124 (ACR 92) Seastrand. The Year of the Bible.
This measure recognizes the year 1983 as the "Year of the Bible."

Res. Ch. 125 (AJR 18) M. Waters. Aid to Families with Dependent Children: working mothers.
This measure would memorialize the President and Congress of the United States to repeal changes made by the federal Omnibus Budget Reconciliation Act of 1981 which reduce the incentive for mothers who are covered by the Aid to Families with Dependent Children program to work.

Res. Ch. 126 (AJR 80) Moore. Benigno S. Aquino, Jr.
This measure would urge the government of the United States to use every diplomatic and political tool at its disposal to ensure that the persons responsible for the death of Benigno S. Aquino, Jr., are brought to justice. It would request the President of the United States to postpone his planned visit to the Philippines until the responsible parties are brought to justice, the safety of the President is assured by the government of the Philippines, and steps are taken to restore democracy to the Filipino nation. It would also express the deepest condolences of the California Legislature to the family of Benigno Aquino and to the Filipino people.

Res. Ch. 127 (ACR 49) Young. Joint Study Committee on Workers' Compensation.
This measure would create the Joint Study Committee on Workers' Compensation as an investigating committee of the California Legislature It would charge the committee with studying the workers' compensation system, conducting public hearings throughout the state and nation on the workers' compensation system, and developing recommendations for consideration by the Legislature, among other things.
This measure would provide for the appointment of members to the committee, and would provide for the funding of the committee from the contingent funds of the Assembly and the Senate by the Joint Rules Committee. It would provide for the termination of the committee on November 30, 1984.

Res. Ch. 128 (ACR 87) Young. Red Skelton.
This measure would congratulate Red Skelton upon the celebration of his Seventieth Birthday.

Res. Ch. 129 (ACR 89) Vasconcellos Voter registration· postsecondary school students.
This measure would declare the first month of each academic year to be "Student Voter Registration Month" on all California college and university campuses The measure would urge every California college and university student to assure his or her appropriate voter registration and full participation in the electoral process, and would also urge the chief executive officer and the administration, faculty, staff, and student government of every California postsecondary education institution to initiate effective efforts to facilitate and assure the appropriate voter registration of all its students.

Res. Ch. 130 (AJR 3) Konnyu. Job creation through exports.
This measure would memorialize the President and Congress of the United States to provide strong, prompt, and decisive leadership to address the problem of foreign discrimination against California products, as specified

Res. Ch. 131 (AJR 58) Peace. Sewage treatment plants
This measure would state the support of the Legislature for the federal government to fund the construction of a sewage treatment plant in Tijuana, Mexico, or San Diego County to treat sewage from Tijuana, Mexico, and, in addition, would memorialize the President and Congress of the United States to negotiate with Mexico for the resolution of problems common to both countries and to authorize the funding and construction of a sewage treatment plant in San Diego County to carry out the objectives of the federal Clean Water Act

Res. Ch. 132 (AJR 81) Allen. Baha'is of Iran.
This measure memorializes the President and Congress to continue efforts to intercede on behalf of the Baha'is of Iran and attempt to halt further persecution in order to establish peace to all peoples of the world.

Res. Ch. 133 (AJR 85) Farr. Automation of the Employment Development Department's Unemployment Insurance programs.
This measure would memorialize the President and Congress to examine the Department of Labor's funding policies on automation of state unemployment insurance programs and to require the Department of Labor to allow the State's Employment Development Department to purchase new automation equipment, as specified.

Res. Ch. 134 (AJR 88) Filante. The conflict in Lebanon
This measure would express encouragement and support to the President and the Congress in all efforts to persuade Syria and the Palestine Liberation Organization to join the peace process initiated by the United States and Israel, to withdraw troops from Lebanon, and to assist in the efforts to achieve reconciliation of the remaining Lebanese factions presently not united.

Res. Ch. 135 (AJR 89) Wyman. Prisons.
This measure would memorialize the Congress of the United States to enact legislation to provide the State of California with access to underutilized federal military facilities within the state for the purpose of emergency housing of state prison inmates in the event of court-ordered reductions of prison population, which currently exceeds 140% of the designed inmate capacity for the safety of both prison staff and inmates

Res. Ch. 136 (SCR 24) Deddeh. University of California at San Diego.
This measure would encourage the Regents of the University of California to continue to evaluate and study the proposed merger of the California Western School of Law and the University of California at San Diego, as specified, and to submit a copy of the study to the Legislative Analyst and the California Postsecondary Education Commission by July 1, 1984. This measure would request the commission to review the study and submit its comments to the fiscal committees of the Legislature on or before January 1, 1985 This measure would request the regents to notify the California Postsecondary Education Commission of a decision that the merger is feasible, and would request the commission to report to the Legislature regarding the proposed merger.

Res. Ch. 137 (SCR 37) Dills. Department of Economic and Business Development 10-year plan.
This measure would resolve that the date for submission of a 10-year economic and business development plan for California by the Department of Economic and Business Development to the Governor and the Legislature be extended from January 1, 1984, to June 30, 1984.

Res. Ch. 138 (SCR 42) Roberti. Minority Business Week.
This measure would request the Governor to proclaim the week of October 2 to October 8, 1983, inclusive, as California Minority Business Week.

Res. Ch. 139 (SCR 43) Lockyer. Joint Committee on Campaign and Election Reform.
This measure would create the Joint Committee on Campaign and Election Reform and provide for the membership, authority, and duties of the committee.
The measure would authorize the Joint Rules Committee to make money available from the Contingent Funds of the Assembly and Senate in the amount which it deems necessary for the expenses of the committee

Res Ch. 140 (SJR 15) Marks. Revenue sharing
This measure would memorialize the President and the Congress of the United States to authorize the extension of general revenue sharing and the continuation of these funds at a higher level than last year

Res. Ch. 141 (SJR 19) Mello. Salmon and steelhead trout fishery.

(1) This measure would memorialize as follows:

(a) The President and Congress and the Secretary of the Interior to mitigate fully all fish losses that have occurred above prescribed dams, provide funding for spawning gravels at designated locations, solve the fish-passage problems at a designated dam, and turn over the operations of a designated spawning channel to the Department of Fish and Game.

(b) The President and Congress, the United States Small Business Administration, the Governor of California, and the California Office of Emergency Services to take the necessary steps to make federal Economic Injury Disaster Loans under the United States Small Business Administration's Physical Disaster and Economic Injury Loan Program available to California commercial salmon fishermen in 1983.

(c) The President and Congress and the Secretary of Commerce to ensure that the Salmon Plan Development Team of any federal fishery management council, having authority over California, includes members representing balance of disciplines needed for optimum-yield management of the California salmon resource, and to include representatives of California ocean and inland salmon fishermen.

(2) This measure would request the Joint Committee on Fisheries and Aquaculture, in consultation with the Director of Fish and Game and the Fish and Game Commission, to reestablish the Advisory Committee on Salmon and Steelhead Trout, would specify the membership qualifications for the advisory committee, would specify the matters which the advisory committee would be required to study, and would require the advisory committee to submit 4 annual reports, commencing January 1, 1985, and on January 1st of each year thereafter, to the Joint Committee on Fisheries and Aquaculture and the Director of Fish and Game.

Res. Ch. 142 (SJR 28) Torres. Vincent Chin.

This measure would memorialize the President and the Congress to request the United States Justice Department to undertake a prompt and thorough investigation of, and prosecution for, all federal civil rights violations that may have been committed against Vincent Chin.

Res. Ch. 143 (SCR 44) Lockyer. Redistricting commission.

This measure would require the Joint Committee on Campaign and Election Reform to conduct interim hearings regarding the feasibility of creating an independent commission to adopt districting plans.

Res. Ch. 144 (SJR 31) Doolittle. Soviet aggression.

This measure would memorialize the President and Congress of the United States to take appropriate action to oppose Soviet aggression.

DIGESTS OF RESOLUTIONS ADOPTED IN 1983

1983–84 FIRST EXTRAORDINARY SESSION

RESOLUTION CHAPTERS

Res. Ch. 1 (ACR 1) Papan. Joint Rules

This measure would adopt the Temporary Joint Rules of the Senate and Assembly for the 1981–82 Regular Session as the Temporary Joint Rules of the Senate and Assembly for the 1983–84 First Extraordinary Session, except as specified

Res Ch. 2 (SCR 2) B Greene Budget deficits.

This measure would urge the Governor to. impose a freeze on hiring and promotions, except for the investment staff of the Public Employees' Retirement System and the State Teachers' Retirement System, halt equipment purchases and contracting; and prevent approved capital outlay projects from going forward

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1983

1983–84 REGULAR SESSION

CROSS REFERENCE TABLES

Bill to Chapter Number

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
5	1033	138	640	262	511
6	194	140	198	268	611
9	811	141	7	269	833
13	445	143	378	271	770
14	298	144	379	272	765
16	489	146	69	277	1166
23	759	149	111	279	889
24	201	151	295	282	1276
25	842	152	1126	293	834
26	342	153	131	296	426
27	72	156	25	297	32
28	17	158	73	298	204
29	6	159	1049	299	1167
30	107	160	830	300	1277
31	18	161	559	301	1127
32	959	163	505	303	416
33	944	165	446	304	205
36	488	167	415	305	45
39	407	169	93	306	568
44	35	174	122	313	521
50	1039	177	197	315	812
53	92	179	515	316	612
54	169	181	134	317	16
55	907	186	978	318	118
61	285	195	862	322	1324
67	200	196	831	323	567
68	290	197	463	325	283
69	52	215	447	329	135
70	1302	216	43	331	932
73	112	219	981	332	637
74	848	223	323	334	206
75	1299	225	74	335	207
83	1319	227	1080	336	46
86	849	229	945	337	63
93	38	231	832	338	464
96	514	233	62	341	123
99	155	235	44	349	1278
101	997	236	941	350	490
109	990	238	304	352	282
110	5	242	29	353	784
112	40	243	969	354	19
114	196	250	284	356	94
115	199	253	294	362	47
116	783	254	20	365	562
120	231	255	343	366	291
124	174	256	41	368	424
127	42	257	299	369	935
132	68	258	655	370	980
133	1125	259	1057	373	1005
136	593	261	99	377	491

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
379	208	535	594	667	995
380	33	538	211	671	462
384	1058	544	303	673	214
388	75	546	125	674	657
389	136	549	425	676	1130
391	26	552	70	680	164
393	1168	553	1279	681	162
394	10	554	417	682	787
398	666	555	863	686	215
399	1102	556	212	689	864
407	76	559	132	691	528
410	209	562	994	692	615
415	854	563	305	693	668
421	77	566	520	695	550
430	344	569	580	696	860
436	956	574	213	698	570
444	408	575	709	708	34
445	210	577	517	710	643
446	345	580	835	712	1218
447	651	581	267	713	872
450	652	582	1129	714	527
451	785	583	656	715	732
453	529	584	632	716	669
454	908	587	614	717	180
455	232	590	595	718	1219
456	270	591	266	722	587
457	1300	592	327	724	97
458	328	593	884	728	216
459	708	594	362	729	100
460	78	595	373	731	36
463	1081	598	894	733	449
464	51	601	858	735	124
465	904	605	55	736	1131
467	269	607	1082	738	139
471	1128	608	177	739	101
475	448	612	96	740	80
480	175	615	326	743	588
481	300	620	1083	745	181
482	137	622	380	746	48
486	176	623	178	747	281
489	786	624	934	748	217
490	530	625	296	751	1019
491	79	629	1217	752	733
492	95	631	762	753	381
493	938	632	667	756	119
495	613	635	179	760	1132
497	882	637	346	761	549
498	27	638	138	762	64
503	653	639	265	764	710
509	589	641	444	769	644
510	253	644	1084	771	711
513	329	646	357	775	1061
515	813	650	1042	776	658
518	903	652	1043	777	218
527	359	653	979	779	1296
528	268	656	325	783	172
530	28	657	233	785	98
531	900	663	1034	786	219

Assembly Bill	Chapter
787	234
788	518
793	165
795	1085
797	1009
800	1051
802	1086
803	1133
813	712
817	235
823	571
827	1038
828	1134
829	1015
831	788
836	459
840	1035
846	1135
849	81
850	374
853	572
856	117
858	116
860	1044
866	145
868	168
872	616
874	503
880	126
881	1314
882	115
883	548
884	156
885	734
886	617
889	236
892	301
895	983
896	618
907	659
908	814
909	660
912	1136
917	319
929	670
931	433
932	526
933	558
934	460
949	264
951	531
954	508
955	878
956	661
958	865
959	1280
960	1220
961	182
962	183
964	1311
966	1290
967	557
968	671
969	649
971	1318
972	1137
974	502
975	789
976	871
978	815
979	237
980	1003
982	946
983	556
987	30
988	369
989	315
997	735
998	1138
1003	130
1005	339
1008	713
1009	876
1015	1037
1016	596
1017	573
1018	645
1019	859
1023	790
1026	238
1027	1106
1033	619
1036	263
1038	736
1039	1139
1040	525
1044	140
1045	127
1048	31
1050	547
1052	519
1053	1029
1057	314
1058	313
1061	1306
1063	501
1065	672
1067	418
1068	262
1069	561
1072	382
1074	383
1085	816
1087	940
1091	509
1092	338
1093	574
1094	261
1095	1012
1097	817
1098	662
1099	331
1102	566
1112	597
1113	1313
1117	1221
1119	791
1120	114
1121	384
1125	239
1131	450
1133	184
1134	312
1135	337
1136	1281
1137	506
1138	772
1140	185
1142	620
1146	818
1147	877
1148	192
1149	714
1156	1169
1157	715
1158	240
1159	492
1160	673
1162	1282
1163	1283
1167	621
1169	663
1170	385
1171	1222
1173	716
1174	241
1175	664
1176	386
1177	242
1181	665
1183	792
1184	1223
1187	966
1193	892
1194	65
1195	836
1199	761
1200	1224
1203	280
1205	186
1207	524
1209	387
1210	432
1211	717

Assembly Bill	Chapter
1213	360
1216	964
1217	737
1218	756
1222	1140
1223	633
1224	356
1226	522
1227	654
1228	581
1231	582
1237	388
1241	634
1242	223
1243	575
1251	1014
1254	141
1255	1141
1256	1087
1258	507
1262	793
1266	794
1270	222
1277	260
1279	1142
1282	389
1293	370
1299	318
1305	819
1306	795
1308	576
1310	311
1311	555
1312	493
1318	166
1332	636
1333	221
1334	625
1341	335
1343	1325
1344	451
1345	880
1347	554
1348	1143
1353	1144
1354	465
1358	1088
1359	1145
1361	674
1362	1046
1363	1089
1368	598
1369	577
1370	128
1371	512
1373	820
1375	1090
1379	914
1380	1146
1382	419
1383	675
1386	1147
1387	939
1388	1225
1389	279
1390	142
1391	302
1396	718
1404	1148
1405	897
1407	1149
1413	1150
1414	982
1417	452
1418	390
1423	583
1424	553
1425	738
1429	391
1430	1298
1431	392
1434	1091
1441	1284
1442	393
1444	466
1446	1326
1448	739
1449	719
1454	631
1459	821
1462	771
1466	375
1470	822
1474	102
1485	1092
1488	823
1489	676
1490	1041
1491	330
1493	513
1494	453
1495	220
1496	420
1497	421
1499	599
1501	766
1502	422
1503	259
1504	258
1507	857
1508	910
1509	646
1510	824
1516	297
1519	720
1524	647
1528	1036
1529	1151
1531	1291
1536	973
1547	866
1550	1170
1551	755
1553	1093
1558	757
1559	896
1565	569
1573	721
1575	516
1576	840
1578	847
1580	906
1584	334
1586	1205
1587	254
1589	976
1591	825
1593	1285
1600	1094
1604	1152
1605	163
1606	1153
1615	915
1616	965
1629	59
1639	991
1641	879
1643	560
1645	82
1646	333
1650	358
1651	1154
1654	1226
1656	1095
1660	867
1662	322
1664	722
1666	1054
1667	1031
1673	1286
1675	893
1679	600
1682	1096
1687	585
1691	977
1695	796
1701	912
1702	584
1703	1025
1704	855
1717	677
1718	874
1723	1011
1724	850

Assembly Bill	Chapter
1728	998
1733	902
1734	1018
1737	1227
1745	890
1747	797
1750	431
1753	678
1754	71
1756	870
1757	901
1761	601
1764	911
1765	1097
1767	826
1774	622
1776	723
1780	837
1789	760
1799	500
1801	394
1802	430
1803	881
1806	1155
1807	1047
1809	623
1812	602
1817	144
1820	724
1821	603
1823	827
1825	129
1826	639
1827	725
1829	967
1832	798
1840	630
1841	957
1842	943
1843	993
1851	1032
1852	255
1853	1156
1854	650
1855	799
1856	928
1858	1157
1863	740
1864	1098
1865	1023
1869	1317
1870	332
1875	504
1877	256
1879	1158
1880	1026
1882	395
1883	429
1886	586
1890	726
1892	1099
1902	578
1903	844
1905	1171
1911	1206
1920	679
1921	920
1931	800
1932	377
1940	552
1942	868
1943	1050
1944	1100
1946	1159
1949	143
1952	801
1953	604
1956	758
1959	909
1964	951
1966	802
1967	852
1983	952
1984	523
1987	1160
1993	727
1994	624
1997	605
1998	728
2007	869
2010	845
2013	1045
2015	680
2019	729
2020	423
2021	579
2025	1228
2034	635
2035	454
2037	681
2041	954
2044	626
2046	627
2049	1161
2056	113
2057	856
2064	895
2069	891
2070	1101
2074	1327
2075	846
2085	731
2092	629
2096	1162
2102	1016
2105	838
2108	1292
2117	1287
2121	1048
2127	257
2130	1104
2135	628
2137	1006
2142	499
2146	607
2147	510
2151	927
2154	963
2155	1288
2158	1164
2159	1301
2162	899
2166	1163
2175	606
2187	803
2193	1289

SENATE BILLS

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
2	170	104	22	221	458
12	1	109	398	223	246
13	39	110	193	224	688
14	12	111	106	225	58
19	1307	116	110	226	274
21	11	117	57	227	1235
25	49	119	4	228	1175
26	682	122	541	231	154
30	271	123	324	232	1308
31	21	127	1305	233	67
35	56	129	1231	234	363
36	83	130	1108	236	851
40	1172	131	273	238	1066
42	347	134	1208	239	1111
43	341	135	348	241	399
45	396	138	148	243	841
47	53	139	371	244	741
48	1229	140	37	246	754
49	203	142	1232	248	968
51	8	143	405	251	50
52	84	146	293	252	435
54	1230	147	188	254	883
55	1062	152	195	255	427
57	542	154	189	258	469
58	404	155	916	260	1024
63	551	156	1007	262	898
64	1297	157	23	266	202
65	683	158	103	270	608
66	244	162	1174	275	494
67	272	163	1233	279	1107
70	2	165	828	281	400
72	1173	168	563	282	401
73	537	169	158	285	247
75	146	171	24	286	533
76	1063	178	1234	288	1165
77	456	180	1008	290	707
78	1064	183	1040	292	368
79	1103	184	930	294	406
80	1000	186	686	295	187
81	684	191	349	296	428
83	543	192	245	297	689
84	14	194	310	298	1236
86	66	201	767	300	1022
88	3	202	496	304	309
90	85	203	133	305	13
91	15	204	1294	307	1316
93	397	205	804	312	173
94	434	208	468	317	742
95	9	209	1060	319	953
96	648	211	457	321	642
97	638	213	1065	323	350
98	376	215	1109	324	149
99	467	216	687	325	248
101	641	217	1110	327	776
102	685	220	86	328	275

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
329	1112	456	937	582	224
331	495	458	777	586	152
334	54	459	1210	587	693
337	853	464	1242	589	1017
341	1176	465	487	590	913
342	1177	466	743	595	1246
343	564	467	1183	596	747
345	690	468	1184	597	888
348	1209	470	829	601	961
350	308	472	591	603	61
356	1113	480	905	607	778
358	1237	482	286	612	1191
360	87	483	1211	615	748
361	249	488	151	616	1212
363	971	492	1185	618	1247
364	1178	493	252	619	987
367	992	494	1115	620	535
368	929	495	473	622	694
369	1238	496	744	624	1192
370	157	497	436	628	1055
372	402	498	437	631	779
378	470	499	1186	632	321
381	91	500	1028	635	1193
383	471	501	692	638	1213
384	1179	502	316	640	695
385	875	508	917	642	806
388	805	510	745	646	317
389	105	515	104	647	292
390	1293	516	960	648	609
394	947	517	1105	650	886
395	403	518	1243	659	475
396	289	519	455	661	696
400	60	520	1027	664	1248
408	250	521	1187	665	476
409	1239	522	243	668	1194
413	1240	527	1116	670	438
414	340	531	88	671	352
415	936	532	948	672	108
417	1013	534	1067	673	153
418	472	535	730	676	1249
420	764	538	1244	679	922
421	1021	539	887	680	1195
422	958	542	1004	683	1250
423	1030	545	1188	684	410
424	1241	546	1245	686	307
426	364	547	1189	687	544
427	150	549	1190	688	918
428	926	551	89	693	1320
429	1203	552	986	696	1118
432	351	553	109	697	477
438	1180	561	474	700	873
440	691	566	159	701	697
441	365	567	121	707	1303
443	1181	570	768	708	1068
444	1182	572	746	710	942
445	251	578	90	712	336
454	1114	580	1117	713	439
455	861	581	409	714	780

Senate Bill	Chapter
717	1119
719	46
722	306
723	1196
727	440
728	28[illegible]
732	988
734	190
738	119[illegible]
739	1315
740	698
741	105[illegible]
744	699
746	1120
747	225
748	1198
750	160
754	1251
755	592
757	361
758	1001
762	120[illegible]
764	975
766	355
776	226
782	227
783	985
784	35[illegible]
785	540
789	288
790	1069
797	807
800	1199
805	1305
806	478
808	1252
809	700
810	1253
811	1254
812	1200
813	498
816	773
821	701
825	276
826	411
830	1255
835	933
838	412
839	610
841	962
844	885
845	749
848	984
849	1070
851	565
854	1201
859	950
860	1071
862	545
864	1121
868	923
870	1202
874	1072
878	972
879	1256
884	441
886	1073
887	808
892	921
900	1207
902	781
910	1257
916	774
917	1122
922	1258
924	590
936	1123
938	1056
940	1259
944	1260
945	1074
947	750
948	955
951	1020
952	277
954	354
960	1261
966	532
971	809
975	1262
977	810
978	925
981	228
984	702
988	442
990	1214
992	1263
994	782
997	1264
1000	278
1010	751
1015	366
1018	413
1025	1075
1029	1265
1030	1321
1031	1059
1034	775
1035	1124
1037	763
1039	839
1041	1266
1045	534
1046	229
1047	1267
1059	924
1067	1268
1074	703
1083	999
1084	1312
1085	1310
1088	147
1089	479
1093	1010
1094	949
1105	367
1107	704
1109	752
1110	443
1114	1269
1115	1215
1117	1295
1118	970
1121	931
1126	480
1141	1216
1144	919
1155	1270
1157	191
1159	497
1171	481
1172	230
1174	482
1175	372
1176	1271
1177	705
1185	1076
1186	706
1192	769
1193	1077
1195	414
1198	753
1199	171
1204	843
1205	1272
1210	1273
1213	1304
1216	974
1217	1002
1218	161
1225	536
1227	1078
1228	1274
1229	1079
1236	539
1238	1322
1246	546
1249	483
1253	484
1254	1275
1260	1323
1263	538
1265	485
1266	989

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
1267	320	1274	1052	1279	167
1269	486	1275	120	1282	996

ASSEMBLY CONSTITUTIONAL AMENDMENTS

ACA	Resolution Chapter
16	105
26	107

ASSEMBLY CONCURRENT RESOLUTIONS

ACR	Resolution Chapter	ACR	Resolution Chapter	ACR	Resolution Chapter
2	40	35	21	61	69
5	1	36	76	62	123
13	17	37	111	63	64
14	18	38	11	64	16
15	19	39	34	66	50
16	35	40	106	67	70
18	48	41	77	68	28
19	26	42	27	69	49
20	85	43	93	73	94
21	4	45	68	78	51
22	61	46	82	79	83
23	8	47	86	80	41
24	57	48	108	84	43
25	121	49	127	85	52
27	122	53	109	87	128
29	22	55	62	89	129
30	5	56	30	91	95
31	36	58	12	92	124
32	2[illegible]	59	20		

ASSEMBLY JOINT RESOLUTIONS

AJR	Resolution Chapter	AJR	Resolution Chapter	AJR	Resolution Chapter
1	2[illegible]	27	89	52	100
3	13[illegible]	28	38	53	42
5	3[illegible]	30	98	55	53
7	7	31	112	58	131
9	5[illegible]	32	84	61	113
10	1[illegible]	33	90	62	114
11	[illegible]	37	63	65	101
14	5[illegible]	38	79	69	71
15	1[illegible]	39	14	80	126
18	12[illegible]	41	91	81	132
19	11[illegible]	43	44	84	115
21	7[illegible]	44	60	85	133
22	8[illegible]	45	24	88	134
23	8[illegible]	46	45	89	135
25	9[illegible]	47	80		
26	9[illegible]	48	99		

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter	SCR	Resolution Chapter	SCR	Resolution Chapter
1	3	11	116	26	37
2	13	13	23	30	117
3	2	15	75	36	104
4	55	16	119	37	137
5	73	18	33	40	120
6	54	20	46	42	138
7	31	24	136	43	139
9	74	25	47	44	143

SENATE JOINT RESOLUTIONS

SJR	Resolution Chapter	SJR	Resolution Chapter	SJR	Resolution Chapter
1	72	9	103	19	141
2	32	12	118	22	92
3	81	13	65	28	142
4	6	14	66	31	144
6	102	15	140		
8	56	16	67		

BILLS VETOED BY GOVERNOR

1933

ASSEMBLY BILLS

91, 125, 142, 145, 150, 185, 1101, 1145, 1168, 1233, 1259, 1272,
234, 270, 273, 302, 346, 378, 1315, 1360, 1364, 1437, 1477, 1481,
411, 433, 439, 472, 500, 508, 1513, 1520, 1523, 1545, 1601, 1637,
523, 524, 536, 537, 542, 548, 1683, 1684, 1722, 1760, 1771, 1793,
550, 560, 642, 648, 649, 672, 1805, 1819, 1839, 1845, 1846, 1850,
719, 723, 741, 759, 789, 791, 1887, 1922, 1924, 1961, 1980, 1982,
865, 900, 918, 919, 927, 970, 1988, 1990, 2006, 2024, 2036, 2045,
1010, 1035, 1042, 1060, 1075, 1088, 2050, 2077, 2078, 2081, 2084, 2129.

SENATE BILLS

5, 69, 82, 128, 133, 173, 877, 904, 985, 987, 1009, 1036,
212, 249, 263, 268, 289, 335, 1049, 1050, 1082, 1086, 1101, 1129,
362, 382, 439, 453, 524, 583, 1131, 1154, 1230, 1233, 1244, 1261.
660, 689, 735, 742, 799, 875,

CROSS REFERENCE TABLES

BILL TO CHAPTER NUMBER

1983

1983–84 FIRST EXTRAORDINARY SESSION

19—4447

CROSS REFERENCE TABLES

ASSEMBLY BILLS

Assembly Bill	Chapter	Assembly Bill	Chapter	Assembly Bill	Chapter
2	6	22	9	36	12
3	4	28	10	40	16
11	7	34	11	41	15
15	14				

SENATE BILLS

Senate Bill	Chapter	Senate Bill	Chapter	Senate Bill	Chapter
3	8	13	5	17	2
4	1	16	3	18	13

ASSEMBLY CONCURRENT RESOLUTIONS

ACR	Resolution Chapter
1	1

SENATE CONCURRENT RESOLUTIONS

SCR	Resolution Chapter
2	2

BILLS VETOED BY THE GOVERNOR

None

STATUTORY RECORD

Sections affected by statutes enacted at the 1983–84 First Extraordinary Session are included in the 1979–83 Statutory Record, beginning on page S-3

INDEX

Indexing entries for chapters and resolution chapters enacted at the 1983–84 First Extraordinary Session are included in the Index beginning on page 561 The chapter or resolution chapter number is followed by (1X)